UNIVERSITY OF CALIFORNIA
AT LOS ANGELES

REGULATIONS

FRAMED IN PURSUANCE OF SEVERAL ACTS

WITH RESPECT TO

EUROPEANS,

(*Not in the Service of The East India Company,*)

RESIDING WITHIN THE TERRITORIES OF THE COMPANY.

Ordered to be printed 14*th May* 1813.

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No. 1.

CORRESPONDENCE and PROCEEDINGS relative to the Reſidence of Europeans in Bengal.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 29th June 1778.

THE Commiſſioners of Law Suits attend the Board with the Draft of a Bill for the better Management and Regulation of the Police of the Town of Calcutta, prepared by Order of the Governor General, with the Concurrence of the other Members of the Board, and reviſed.

Agreed that it be paſſed.

Ordered, That the Bill be delivered to the Company's Attorney on Record, with Directions to preſent it to the Supreme Court of Judicature, that it may be publiſhed and regiſtered, with their Conſent and Approbation, according to Act of Parliament of the 13th Year of His preſent Majeſty's Reign.

Ordered, That a Copy of the Bill be entered after the Conſultation.

A Rule, Ordinance, and Regulation for the better Management of the Police of the Town of Calcutta.

WHEREAS the Town of Calcutta is very wide and extenſive, and of late Years hath become very populous, and the Inhabitants thereof are expoſed to frequent Murders, Robberies, Burglaries, and Outrages: And whereas the great Facility with which Jewels, Gold and Silver Plate, or other valuable Commodities are diſpoſed of, is one principal Cauſe of the frequent Commiſſion of ſuch Robberies and Burglaries: And whereas it would much tend to the Safety both of the Perſons and Property, and to the Benefit and Convenience of the Inhabitants of the whole Town, and all Perſons reſorting thereto, that a proper and well-regulated Watch ſhould be eſtabliſhed, and the ſeveral Dealers in valuable Commodities ſhould be laid under certain Regulations, to prevent the buying and receiving ſtolen Goods;

Be it enacted and ordained by the Authority of the Governor General and Council, now aſſembled in Council, by and in virtue of the Authority in them veſted by a certain Act of Parliament, paſſed in the Thirteenth Year of His preſent Majeſty, intituled, "An Act for eſtabliſhing certain Regulations for the better "Management of the Affairs of the Eaſt India Company, as well in India as in "Europe,"

That from and after the due Publication and Regiſtry of this Rule, Ordinance, and Regulation in the Supreme Court of Judicature at Fort William, in Bengal, with the Conſent and Approbation of the ſaid Court, if the ſaid Court ſhall in its Diſcretion approve and conſent to the Publication and Regiſtry of the ſame;

That there ſhall be a Superintendant of Police of this Town, with the ſeveral Powers and Authorities, and ſubject to the ſeveral Reſtrictions herein-after expreſſed; and that Charles Stafford Pleydell Eſquire ſhall be, and he is hereby appointed Firſt Superintendant of the Police, to continue in Office during his good Behaviour: Provided always, the ſaid Superintendant, or any future Superintendant to be appointed as is herein-after provided, ſhall be guilty of any Oppreſ-

ſion or Corruption, of exceeding his proper Juriſdiction or Authority, of wilful Neglect, or any other Miſdemeanor in the Execution of his Office, and being thereof legally convicted by and before any Two Juſtices of the Peace, of which one ſhall be the Governor General or one of the Council, and the other the Chief Juſtice or one of the Juſtices of the Supreme Court of Judicature at Fort William in Bengal, he ſhall and may be ſuſpended from the Execution and the Receipt of the Profit of his ſaid Office, until the Firſt Seſſion of Oyer and Terminer and Gaol Delivery to be holden before the Supreme Court of Judicature at Fort William in Bengal, after ſuch Conviction, to which ſaid Seſſion the Superintendant ſo convicted may appeal, and the ſame Appeal ſhall be heard and determined at the ſaid Seſſion; and if the ſaid Conviction ſhall be then and there affirmed, he ſhall be finally removed from his ſaid Office; but in caſe the ſaid Conviction ſhall be then and there quaſhed, he ſhall be reſtored to the Execution and the Profits and Emoluments of his ſaid Office, ſuch Conviction notwithſtanding: Provided always, that if the Firſt Day of the ſaid Seſſion of Oyer and Terminer ſhall happen to be within Fourteen Days of the Day of ſuch Conviction, then and in that Caſe the ſaid Superintendant ſhall be at Liberty to appeal to the Seſſion next enſuing the ſaid Firſt Seſſion, and at the ſaid next enſuing Seſſion the ſaid Appeal ſhall be heard and finally determined; and if the ſaid Superintendant ſhall not within Fourteen Days after ſuch Conviction enter his Appeal as aforeſaid, or give Notice to the ſaid Juſtices, or to one of them, that he intends ſo to do, then the ſaid Conviction ſhall vacate the ſaid Office; and in caſe of the Death, Reſignation, or Removal of the ſaid Charles Stafford Pleydell Eſquire, or Death, Reſignation, or Removal of any future Superintendant of the Police, it ſhall and may be lawful to the ſaid Governor General and Council to nominate and appoint another Perſon to the ſaid Office.

And it ſhall and may be lawful to the ſaid Governor General and Council to nominate and appoint a proper Perſon to be and act as Deputy or Aſſiſtant to the Superintendant of the Police, with the like Powers and Authorities as herein-after given to the Superintendant of Police: Provided always, if the ſaid Deputy or Aſſiſtant ſhall be guilty of any Oppreſſion or Corruption, of exceeding his proper Juriſdiction or Authority, of wilful Neglect, or any other Miſdemeanor in the Exerciſe of the Powers and Authorities committed to him, and be thereof legally convicted by and before any Two Juſtices of the Peace, of which one ſhall be the Governor General or one of the Council, and the other the Chief Juſtice or one of the Juſtices of the Supreme Court of Judicature at Fort William in Bengal, he ſhall and may be removed from the ſaid Office, which Motion ſhall be final; and in caſe of the Death, Reſignation, or Removal of ſuch Deputy or Aſſiſtant, or of any future Deputy or Aſſiſtant, it ſhall and may be lawful to the Governor General and Council to nominate and appoint another Perſon to the ſaid Office.

And be it further enacted, by the Authority aforeſaid, That the ſaid Governor General in Council ſhall cauſe to be paid to the ſaid Superintendant of Police, and to his Deputy or Aſſiſtant, certain eſtabliſhed Salaries; that is to ſay, to the Superintendant of the Police, Sicca Rupees Twelve hundred by the Month, and to his Deputy or Aſſiſtant the Sum of Four hundred Sicca Rupees by the Month.

And it is further ordained, That for the due Watching and Safeguard of the Town, the Superintendant of the Police ſhall, and he is hereby authorized to retain and appoint Thirty-one Tannadars, Thirty-four Naib Tannadars, Two Jemautdars, and ſuch Number of Pykes not being fewer than Seven hundred, as the ſaid Governor General and Council ſhall from Time to Time appoint and direct, and them to diſplace or diſmiſs as often as to him ſhall ſeem meet, and to appoint others in their room; and ſhall likewiſe direct and appoint where the ſeveral Tannadars, Naib Tannadars, Jemautdars, and Pykes ſhall be ſtationed, and in what Manner they ſhall be armed, how often they ſhall go their Rounds, how long they ſhall continue on Duty, and further to make and give all ſuch neceſſary and needful Orders, as the Nature of ſuch Service or Employment ſhall or may from Time to Time require; and the ſaid Naib is hereby required ſtrictly to conform to and obey all ſuch lawful Order or Orders as he ſhall at any Time receive from the Superintendant of the Police, touching any Thing to be done in the Execution of this Rule, Ordinance, and Regulation, or any Part thereof.

And it is further ordained, That all Standing Orders and Regulations of the Superintendant which ſhall from Time to Time be made for the better Direction and Government of his Tannadars, Naib Tannadars, Jemautdars, and Pykes, or of his Naib, ſhall be entered into a Book or Books, to be kept for that Purpoſe by the Superintendant, who is hereby directed to ſign the ſame, and cauſe a Copy thereof ſigned as aforeſaid, or a Minute containing the Subſtance thereof, in ſuch Language as to the Superintendant of the Police ſhall ſeem moſt convenient to be delivered to his ſaid Naib, who ſhall cauſe a Copy of the ſame to be delivered to each Tannadar, who ſhall affix the ſame in ſome conſpicuous Place in his Chokey or Watch Houſe, and explain the ſame to the Naib Tannadars, Jemautdars, and Pykes of the Ward or Diviſion to which he ſhall belong, which ſaid Orders ſhall within One Week after making the ſame be reported to the Governor General, and to the Chief Juſtice of the Supreme Court of Judicature at Fort William in Bengal, or in his Abſence, to the Senior Juſtice of the ſaid Court, who ſhall be reſident in Calcutta, and ſhall be ſubject to their Controul and Alteration.

And be it further enacted, That the ſaid Superintendant ſhall and may and is hereby authorized to fine, impriſon, or whip or ſtrike ſuch Tannadars, Naib Tannadars, Jemautdars, and Pykes, as ſhall neglect or refuſe to perform their reſpective Duties, or to obey ſuch lawful Orders as he may from Time to Time give them, ſo that ſuch fining, impriſoning, whipping, or ſtriking ſhall not exceed the Degree of Puniſhment which he is empowered to inflict on Perſons brought before him as is herein-after ordained.

And it ſhall and may be lawful to the ſaid Superintendant, and he is hereby required to cauſe his ſaid Naib, and the ſaid Tannadars, Naib Tannadars, Jemautdars, and Pykes reſpectively, to enter into Machulkas or Obligations, and to give Security for the due and faithful Diſcharge of their Duty, and to be anſwerable for all Theſts, Robberies, and other Injuries, which may be committed within their reſpective Wards or Diviſions, and binding themſelves, in caſe any Goods ſhall be feloniouſly taken or ſtolen within the ſame, either to produce the Goods ſtolen, or the Thief or Robber who ſhall have ſtolen the ſame, or to make good the Value of ſuch Goods to the Owner; and in caſe of the ſaid Naib, or any of the Tannadars, or Naib Tannadars, Jemautdars, or Pykes reſpectively, neglecting or refuſing to perform the Obligation which he or they ſhall have ſo entered into, it ſhall be lawful for the ſaid Superintendant to confine ſuch Tannadar, Naib Tannadar, Jemautdar, or Pyke, ſo refuſing or neglecting, and to carry him or them before one of His Majeſty's Juſtices of the Peace, being Members of the Council, or Judges of the Supreme Court, who is hereby empowered to commit him or them to the Houſe of Correction, until he or they ſhall have performed the Obligation which he or they ſhall have ſo entered into, or ſhall have made good the Whole, or ſuch Share, and in ſuch reſpective Proportions, as to the ſaid Juſtice ſhall ſeem reaſonable.

And be it further enacted, That the ſaid Tannadars, Naib Tannadars, Jemautdars, and Pykes, ſhall attend and do Duty, and keep Watch and Ward within the Town, at ſuch Time and in ſuch Manner as ſhall be appointed and directed by the ſaid Superintendant, and ſhall in the Courſe of watching uſe their beſt Endeavours to prevent all Miſchief by Fire, and all Murders, Burglaries, Robberies, Theſts, and other Outrages; and to that end the ſaid Tannadars, and each of them, are hereby authorized, empowered, directed, and required to apprehend and detain all Night-walkers, Malefactors, drunken, idle, diſorderly, or ſuſpected Perſons, who ſhall be found wandering or miſbehaving themſelves, or whom they ſhall have Reaſon to ſuſpect of any evil Deſigns and Intentions, and ſhall confine them in ſome Chokey or Watch-houſe, or other cloſe and ſafe Cuſtody, in order to be carried, as ſoon as conveniently may be, before the Superintendant of the Police, to be examined and dealt with as is herein-after directed.

And the ſaid Superintendant of the Police ſhall, without Delay, examine all ſuch Perſons as ſhall have been ſeized, apprehended, and brought before him by the Tannadars, according to their Duty, or ſuch Servants and Workmen who ſhall be charged before him with Miſbehaviour, Neglect of Duty, or any petty Miſdemeanour, and take the Depoſitions of ſuch Witneſſes as ſhall be produced for or againſt the Perſon ſo apprehended or accuſed, and ſhall reduce, or cauſe to be

reduced into Writing, ſuch Examinations and Depoſitions, and cauſe the ſame to be ſigned by the Perſons examined or depoſing; and if on ſuch Examinations and Depoſitions, any Perſon ſo apprehended ſhall appear to have committed any Treaſon, Murder, Arſon, Burglary, or other Felony, except ſtealing under the Value of Ten Rupees without Force or putting in Fear, or ſhall have committed any violent Aſſault and Battery, by which an Eye or Member ſhall have been broke or deſtroyed, or any other bodily Harm done, inducing the Danger or Loſs of Life, Eye, or Limb, or any dangerous Breach of the Peace, then the ſaid Superintendant of Police ſhall, immediately after taking the ſaid Examinations and Depoſitions, ſend the Perſon ſo apprehended in the Cuſtody of one or more of his Officers, together with the Witneſſes and their Examinations or Depoſitions, to One of His Majeſty's Juſtices of Peace, to be dealt with according to Law; and if the Perſon ſo apprehended ſhall not be accuſed of any of the Crimes aforeſaid, nor ſhall be under ſuch Suſpicion aforeſaid, and ſhall be accuſed of Simple Larceny, or Stealing without Force or putting in Fear, under the Value of Ten Rupees, or any Simple Aſſault and Battery, where no great Injury has been committed, any petty Breach of the Peace, of Brawling and Scolding, Drunkenneſs, public Indecency, or petty Miſdemeanour, then the ſaid Superintendant of the Police may and ſhall, and he is hereby authorized to take ſuch Examinations and Depoſitions as aforeſaid, and finally to try and determine any ſuch Accuſation; and if on due Examination it ſhall appear that the Perſon ſo accuſed is guilty, to convict him, her, or them of the ſame, and to puniſh him, her, or them by Fine, ſo that no Fine ſhall exceed the Value of Two hundred Sicca Rupees; and if ſuch Perſon does not, within the Space of Three Hours after ſuch Conviction, pay to the ſaid Superintendant the ſaid Fine, then the ſaid Superintendant ſhall and may and he is hereby authorized to inflict Corporal Puniſhment on ſuch Offender, by Impriſonment, placing in the Stocks in ſome public Place, or whipping with a Rattan, or by ſtriking with a Slipper in ſome public Place, or by drumming round the Town; ſo that no Impriſonment ſhall continue longer than the Space of One Month, no placing in the Stocks longer than Six Hours, and that whipping ſhall conſiſt of no more than Twenty Stripes, or ſtriking with the Slipper of Thirteen Strokes: Provided always, that it ſhall be ſufficient that in ſuch Examinations and Depoſitions and Convictions the Subſtance of the Accuſation and Teſtimony be written, and no material Part be omitted.

Provided alſo, That nothing herein enacted ſhall releaſe or extend to the Caſe of notorious Decoits, or Perſons ſtrongly ſuſpected on public Fame of being Decoits, who may by the Superintendant of the Police be impriſoned, until they can be delivered over (for the Purpoſe of Trial) unto ſuch Court of Criminal Juſtice, within the Juriſdiction of which they are ſuſpected or alleged to have committed any Crime or Enormity.

And the ſaid Superintendant of the Police is hereby required, as often as he ſhall be called upon by One or more of His Majeſty's Juſtices of the Peace ſo to do, to report the Whole or any Part of his Proceedings, and on their Requiſition to tranſmit to him or them, for their Inſpection, the Whole or any Part of ſuch Examinations, Depoſitions, and Convictions; and for that Purpoſe it is hereby ordered, That the ſaid Superintendant of the Police do faithfully and truly enter, or cauſe the ſame to be entered in the Engliſh Tongue in a ſeparate Book, with a regular Index of the Names of the Perſons accuſed, and the Accuſations, and the Nature of the Fine or Puniſhment inflicted; and the Superintendant ſhall, and he is hereby required to lay before the Governor General, and the Chief Juſtice of the Supreme Court, ſuch Book or Books, on the Firſt Day of May and on the Firſt Day of November in every Year.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to the Superintendant of the Police, and he is hereby required to form, or cauſe to be formed a Liſt or Regiſter of all Europeans reſident or being within the Town of Calcutta or the Limits thereof, containing and ſpecifying their reſpective Names, Country, Places of Abode, Occupation or Employment, and for that Purpoſe the Superintendant is hereby authorized and empowered to require from all ſuch Europeans ſo reſiding or being within the Town of Calcutta as aforeſaid, ſuch Information and Intelligence as ſhall be requiſite to the forming of ſuch

Liſt

Liſt and Regiſter as aforeſaid; and in caſe ſuch Information or Intelligence ſhall be refuſed or withheld by any Perſon or Perſons from whom the Superintendant ſhall find it neceſſary to demand or require the ſame, it ſhall and may be lawful, and the ſaid Superintendant is hereby empowered to iſſue a Summons, under his Hand and Seal, to the Perſon or Perſons ſo refuſing or withholding to be and appear before him at a certain Time and Place to be therein mentioned; and in caſe the ſaid Perſon or Perſons ſhall refuſe or neglect to appear thereto, or having appeared ſhall refuſe to give ſuch Information or Intelligence as aforeſaid, then and in that Caſe the Superintendant of the Police may and ſhall give Notice thereof to One of His Majeſty's Juſtices of the Peace, who may and ſhall, and are hereby empowered to ſeize, apprehend, and commit to Priſon the Perſon or Perſons ſo offending, until he or they ſhall have given the Information and Intelligence required of him or them for the Purpoſe aforeſaid.

And the Superintendant is hereby directed and required to lay ſuch Liſt and Regiſter before the Governor General at Fort William as often and at ſuch Times as he ſhall appoint or require the ſame.

And the ſaid Superintendant is hereby required and empowered to make or cauſe to be made, in a Book to be kept for that Purpoſe, a faithful and accurate Liſt or Regiſter of every Shop which is or ſhall be kept within this Town, together with the Name of the Perſons keeping the ſame, and his Trade and Occupation, and the Nature of the Commodities in which he deals, and the Street, Lane, or Paſſage, and the Ward wherein the ſame ſhall be ſituated, and the Number which ſhall be affixed to the ſame, which ſaid Liſt or Regiſter, together with the ſeveral Deſcriptions hereby required, each Tannadar, ſo far as reſpects the Diviſion to which he is appointed, is hereby required to make, and a true Copy to deliver to the Superintendant, within One Month after his Appointment; and from and after the Time the Firſt Liſt or Regiſter ſhall be made out and completed, if any Shopkeeper ſhall die or remove, or relinquiſh his Trade, the Tannadar of the Diviſion in which the Shop ſhall be ſhall report the ſame to the ſaid Superintendant, who ſhall ſtrike the Name of ſuch Shopkeeper out of his Liſt; and in caſe of the Change in the Perſons keeping the Shops which have been regiſtered, or of any new Shops being opened, the Tannadar of the Diviſion in which it ſhall happen ſhall repeat the ſame, together with the Names of the new Shopkeepers, and the Commodities dealt in by them, to the Superintendant of the Police, who ſhall add ſuch new Names and Shops to his Liſt or Regiſter, and cauſe a Number to be placed on each new Shop.

And it is hereby enacted and ordained, That the Tannadar of each Diviſion ſhall give, and he is hereby required duly and ſeverally to give, to every Shopkeeper within this Town, Notice of this Rule, Ordinance, and Regulation, within One Month after the ſame ſhall have been duly regiſtered in the Supreme Court of Judicature at Fort William in Bengal, and to report to the Superintendant the Names of the Perſons to whom ſuch Notice ſhall have been given; and in caſe any Perſon ſhall open or ſet up a Shop after One Month from the Time this Rule, Ordinance, and Regulation ſhall have been regiſtered as aforeſaid, then the Tannadar of the Diviſion in which ſuch Shop ſhall have been opened, ſhall give Notice to the Keeper thereof of this Rule, Ordinance, and Regulation, as far as the ſame ſhall reſpect him, and report to the Superintendant that he hath given ſuch Notice, and the Name of the Perſon to whom he ſhall have given it: And it is further enacted, that any Shopkeeper to whom ſuch Notice aforeſaid ſhall have been given ſhall keep, and he is hereby required to keep, a faithful and accurate Day Book, and to enter in the ſame every Article or Articles pledged, depoſited, or left in Truſt with him or his Agents, together with the Name and Deſcription of the Perſon or Perſons pledging and depoſiting the ſame, and of the Day of the Week, Month, and Year on which the ſame were ſo bought, ſold, pledged, or depoſited: Provided that this Rule, Ordinance, and Regulation, or any Thing herein contained, ſhall not oblige any Shopkeeper to enter into his Books any Fleſh, Victuals, Fruits, or Eatables, or any Liquor whatſoever.

And it is hereby further enacted, That any Shopkeeper, Artificer, or Tradeſman, who ſhall buy or receive any Jewel, Watch, or Article of Gold and Silver in Shape of any Utenſil, Toy, or Ornament, ſhall, beſides the Entry aforeſaid, faithfully

deſcribe

deſcribe in the ſame the Name, Quality, Colour, and Weight of ſuch Jewel, and the Name, Shape, and Weight and Mark of ſuch Gold or Silver Articles.

And it is hereby further ordained, That no Goldſmith, Silverſmith, or any Perſon whatſoever, except at Public Auction or Outcry, or in ſome Shop where the ſame has been publicly and openly expoſed to ſale, or from ſome Perſons of known Credit or Reputation, whom the Perſon buying or receiving the Articles herein-after mentioned, is able to produce on Demand thereof being made by the Superintendant of the Police, or any of His Majeſty's Juſtices of the Peace, (which, as Occaſion may require, they are hereby authorized to demand) ſhall by himſelf, his Servant, or Agent, buy or receive any Jewel, Watch, or other Article of Gold and Silver in the Shape of any Utenſil, Toy, or Ornament, without having firſt given Notice thereof to the Tannadar of the Diviſion in which he reſides, and ſhewing to him the ſaid Jewel or Plate ſo offered to ſale or to be received, which Tannadar is hereby required to enter in a Book, to be kept by him for that Purpoſe, the Name of the Perſon offering the ſame to ſale or to be received, and of the Buyer and Receiver of the ſame, and a full Deſcription of the Jewel or the Plate; and the Perſon ſo buying or receiving ſhall not melt down or deface, or cauſe or permit to be melted down or defaced the ſaid Gold or Silver Plate till after the Expiration of One Month from the Time the ſame ſhall have been ſo bought or received; and that no Perſon or Perſons whatſoever ſhall buy or receive of any Perſon or Perſons whatſoever any Gold or Silver which hath been worked in the Form of any Coin, Utenſil, or Ornament, and which ſhall have been beat, bruiſed, and defaced, nor any Gold and Silver melted down, and without Form of any Coin, Utenſil, Toy, or Ornament, (except it ſhall be from ſome Perſon of known Credit and Reputation, whom the Perſon buying or receiving ſhall be able to produce on Demand as aforeſaid, which Demand is hereby authorized as aforeſaid) on any Pretence whatſoever, but ſhall give and is hereby required to give Notice to the Tannadar of the Diviſion in which he ſhall reſide, of any Gold or Silver ſo melted down, bruiſed, beat, or defaced as aforeſaid, and of the Perſon offering the ſame to be ſold or pledged.

And it is hereby ordained, That any of His Majeſty's Juſtices of the Peace, or the Superintendant of the Police, ſhall have and they are hereby declared to have full Power and Authority, as Occaſion may require, by Summons iſſued under their Hands and Seals, to require any Perſons hereby ordered to keep ſuch Books as aforeſaid, to bring ſuch Books at a Time and Place to be ſpecified in that Summons, to be inſpected in their Preſence, or may iſſue an Order in like Manner, authorizing any Perſon or Perſons to inſpect the ſame at the Houſes or Shops where the ſaid Books ſhall be kept: Provided always, and it is hereby required, that every Perſon ſo authorized to inſpect the ſame, ſhall be firſt duly ſworn before a Juſtice of the Peace, or before the Superintendant of Police, not to reveal the Contents of ſuch Books, or any Part thereof, but on the Requiſition of a Juſtice of the Peace, or the Superintendant of the Police, or of ſome Court of Juſtice.

And in caſe any Perſon hereby required to keep ſuch Entries as aforeſaid, ſhall neglect or refuſe to keep the ſame, or ſhall omit any Article in the ſame, which in the Diſcretion of any one of His Majeſty's Juſtices of the Peace ſhall ſeem material, and be thereof duly convicted before one of His Majeſty's Juſtices of the Peace, the Perſon ſo offending ſhall forfeit for the firſt Offence a Sum not exceeding Fifty Sicca Rupees, nor leſs than Two Sicca Rupees; for the ſecond Offence, a Sum not exceeding Five hundred Sicca Rupees, nor leſs than Ten Sicca Rupees; and for the third and every other Offence, ſhall be committed to the Houſe of Correction to hard Labour for a Space not leſs than One Month, nor more than Six Months; and every Perſon on offending againſt this Rule, Ordinance, and Regulation, ſo far as it reſpects the buying, ſelling, or receiving any Jewel or Gold or Silver Article, ſhall for every Offence, being thereof legally convicted before a Juſtice of the Peace, forfeit the full Value of the Jewel or Gold or Silver Articles bought or received, of the Value of which Jewel or Gold or Silver Article the Juſtice of the Peace ſhall make an Enquiry, and ſhall aſſeſs the ſame; and alſo for the firſt Offence, a Sum not exceeding One hundred Sicca Rupees, nor leſs than Five Sicca Rupees; for the ſecond Offence, a Sum not exceeding Five hundred Sicca Rupees, nor leſs than Fifty Siccas: and for the third and every other Offence

fence be committed to the Houſe of Correction for a Space not exceeding Six Months, nor leſs than One.

Provided always, That in all and every the Offences againſt this Rule, Ordinance, and Regulation, where, on Examination, the Juſtice ſhall deem the Evidence to be ſufficient to convict the Offender of the Receipt of Goods knowing them to be ſtolen, he may refuſe to convict the Offender on this Rule, Ordinance, and Regulation, and may proceed in the ordinary Method of proceeding in Offences of that Nature.

And be it further enacted, That all Fines and Forfeitures and Penalties by this Rule, Ordinance, and Regulation impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any of His Majeſty's Juſtices of the Peace, which Warrant ſuch Juſtice is hereby empowered and required to grant upon Conviction of the Offender or Offenders; and the Fines, Forfeitures, and Penalties when recovered, after rendering the Overplus (if any be), upon Demand, to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, (the Charges of ſuch Diſtreſs and Sale being firſt deducted,) ſhall be paid to the Superintendant of the Police, and be applied towards the Purpoſes of this Rule, Ordinance, and Regulation; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Fines, Penalties, and Forfeitures ſhall not be paid forthwith, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the common Jail of the Town of Calcutta, there to remain without Bail or Mainprize for any Time not exceeding Four Months nor leſs than Three Weeks, unleſs ſuch Fines, Penalties, and Forfeitures ſhall be ſooner fully paid and ſatisfied.

Paſſed in Council the 29th Day of June, in the Year of our Lord 1778.

(Signed) WARREN HASTINGS.
RICHARD BARWELL.
PHILLIP FRANCIS.
EDWARD WHEELER.

Openly publiſhed and read in the Supreme Court of Judicature at Fort William in Bengal, by Order of the ſaid Court, this 4th Day of July, in the Year of our Lord 1778.

(Signed) WILLIAM JACKSON, Reg.
JAMES DUMFORD, Reading Clerk.

Supreme Court of Judicature at Fort William in Bengal, the 4th Day of July in the Year of our Lord 1778. It is ordered, That a Rule, Ordinance, and Regulation, intituled, "A Rule, Regulation, and Ordinance, for the better Manage-"ment of the Police of the Town of Calcutta, made by the Governor General "and Council of the Preſidency of Fort William in Bengal on the Twenty-ninth "Day of June laſt paſt, by virtue of the Authority given to them by an Act of "Parliament, made in the Thirteenth Year of the Reign of His preſent Majeſty, "intituled, 'An Act for eſtabliſhing certain Regulations for the better Manage-"ment of the Affairs of the Eaſt India Company, as well in India as in Europe,'" be now openly publiſhed. And it is further ordered, That a Copy of the ſaid Rule, Ordinance, and Regulation, be affixed in ſome conſpicuous Part of the Court-Houſe where the Court now ſit.

(Signed) WILLIAM JACKSON, Regiſter.

EXTRACT BENGAL PUBLIC CONSULTATIONS.
17th Auguſt 1778.

The Secretary lays before the Board an atteſted Copy of the Bye-Law lately paſſed, to be tranſmitted according to Act of Parliament, to One of His Majeſty's Principal Secretaries of State.

Agreed that it be ſent with the following Letter to Lord Viſcount Weymouth.

To the Right Honourable Lord Viſcount Weymouth, His Majeſty's Principal Secretary of State, &c. &c. &c.

My Lord,

Having found it neceſſary for the Peace and good Government of the Town of Calcutta to eſtabliſh an Ordinance or Bye-Law, for the better Regulation and Management of the Police thereof, and being by Act of Parliament "required "from Time to Time to tranſmit Copies of all Rules, Ordinances, and Regula- "tions, as we ſhall make and iſſue, to One of His Majeſty's Principal Secretaries of "State for the Time being;" we therefore beg Leave to incloſe a Copy for your Lordſhip's Information.

We have the Honour, &c.

Fort William,
17th Auguſt, 1778.

Extract of a Public Letter from Bengal, dated 17th Auguſt 1778.

Para. 15. Having found it neceſſary for the proper Regulation of the Police of this Town, to eſtabliſh a Bye-Law according to Act of Parliament, we cauſed a Rule to be drawn up and regiſtered in the Supreme Court, after it had paſſed our Approbation as the Act directs. For the Particulars of this Ordinance we beg
29th June. Leave to refer you to a Copy of it entered on our Proceedings. We have alſo, in Obedience to Law, tranſmitted a Copy of it to the Principal Secretary of State.

Extract Public Letter to Bengal, dated 5th July 1780.

Para. 46. You are hereby informed that the Rule, Ordinance, and Regulation made by the Governor General and Council of Fort William on the 29th Day of June 1778, for the better Management of the Police at Calcutta, and ordered by the Supreme Court of Judicature on the 4th of July to be then publiſhed, has received His Majeſty's Royal Diſallowance. The Warrant for diſallowing the ſaid Rule, Ordinance, and Regulation, is tranſmitted on the Ship *Royal George*, and atteſted Copies thereof on the Ships *Hillſborough* and *Mount Stuart*. By an early Opportunity we ſhall ſtate our particular Objections to the ſaid Ordinance, for your future Guidance on that Subject.

Extract Public Letter to Bengal, dated 15th January 1783.

Para. 10. Notwithſtanding the Attention we have paid to preventing unlicenſed Perſons proceeding to the Eaſt Indies on board the Company's Ships, Means have been found to elude our Vigilance in that Reſpect. It is therefore our poſitive Order, that upon the Arrival of any of the Company's Ships at your Preſidency, you do make the ſtricteſt Enquiry whether the Paſſengers on board have been duly licenſed by us to take Paſſage thereon; and that in caſe it ſhall appear no ſuch Permiſſion has been granted to them, we direct that the Names of the Perſons ſo deſcribed, together with the Name of the Ship, and every other Particular you can collect that may throw a Light upon the Subject, be tranſmitted to us by your next Advices, as we are reſolved to puniſh very ſeverely thoſe Commanders who ſhall dare to diſobey our Inſtructions in this material Point.

11. And as Perſons have been frequently taken on board our Ships in England as Part of the Crew, and afterwards deſignedly left in India, being ſet down as Run, it is our further Order, that you do alſo particularly attend to any Circumſtances of this Kind that may occur; and that any Perſons who may be found at your Preſidency under the above Deſcriptions be ſent Home by the next Ships, as we cannot ſuffer ſuch Evaſions of our Authority to paſs with Impunity.

30. Of ſo much Importance do we conſider the preventing unlicenſed Perſons proceeding on board our Ships, that ſince writing the former Part of this Letter we have thought proper to form ſundry Regulations for the more effectually preventing that Evil, and at the ſame Time that we muſt repeat the Directions contained in the Paragraphs we refer you for your Information to the Copies of the above-mentioned Regulation now forwarded in the Packet.

31. And

31. And here we cannot but particularly advert to a recent Inſtance of Diſobedience of our Orders in the Commander of the *Fairford*, by his taking on board that Ship a Mrs. Cargill, without any Permiſſion from us for that Purpoſe; and we poſitively direct, that if ſhe ſhould be landed at your Preſidency, you cauſe her to be ſent Home by the firſt Conveyance. We ſhall take proper Notice of Captain Haldane's Conduct on this Occaſion upon his Return to England.

Extract General Letter to Bengal, dated 8th July 1785.

Para. 32. We have attended to the Propoſal of your Accountant General, as communicated to us in your Letter in the Public Department of the 3d February 1783, for ſending from hence Two Perſons qualified to fill the Second and Third Stations in his Office, and cannot avoid expreſſing the utmoſt Surprize, that from the long Liſt of junior Servants under your Preſidency, Two Perſons could not be found capable or willing to fill thoſe Stations. It either argues a great Relaxation on your Parts in not training up the younger Branches of our Servants to be qualified for uſeful Employments, or has a Tendency to ſhew that they wiſh to occupy at once thoſe advantageous and lucrative Poſts to which they ought only to aſpire after filling the inferior Stations with Induſtry and Ability. We are confirmed in this Opinion from the Accountant General's Letter to your Board, of the 5th March 1783, wherein he repreſents, that notwithſtanding you had permitted him to employ any of the junior Servants as his Aſſiſtants, he had not received an Offer from any of them, and that the Perſons to whom he tendered thoſe Stations did not hold the Salaries annexed to them as any Compenſation for the Labour which they would have to perform.

33. But it is high Time for us to interfere with our Authority in giving a Check to this Spirit of Indolence and Independence, which ſeems to be gone forth among our junior Servants, as reproachful to themſelves as it is prejudicial to the Company's Affairs. We therefore direct, that you do from Time to Time nominate ſuch Perſons as you may deem capable of affording him Aſſiſtance, and ſhould any of them ſo nominated decline engaging therein, they muſt be immediately diſmiſſed from the Company's Service; and in order that our junior Servants may be properly trained to a Knowledge of our Affairs in the ſeveral Departments, we direct that they be diſtributed in the ſeveral Public Offices, and that the Diligence and Ability they may manifeſt therein be conſidered as the only Road to Appointments of greater Conſequence and Emolument.

Extract ſeparate Letter to Bengal, dated 21ſt Sept. 1785.

Para. 13. In making up your Eſtabliſhments to be reported Home for our final Reviſion, we deſire you to attend to the following Circumſtance:—We obſerve there are employed monthly Writers and other Native Servants in the various Branches of our Service, and we have reaſon to believe that many Articles of Buſineſs can be performed by them equally well and at infinitely leſs Expence than by any European Servants. If this has been the Foundation of employing them in our Service, the employing them merits our Approbation; but if they have been employed to do the Buſineſs of Writers, and others in our Service, we cannot paſs over a Practice of that Kind without marking it with our Diſapprobation, as ſubverſive of all Order, and introductory to every Species of Idleneſs and Diſſipation in our Settlements. We mean not, however, at preſent to take any retroſpective View of this Practice; but we deſire you to advert to it in the Formation of your Eſtabliſhments, with a View to the Economy ſo requiſite in our Affairs.

14. You will recollect that you are now employed in forming a Standard Eſtabliſhment, for conducting the Buſineſs of each Office. We are perfectly aware that confidential Situations in general ought to be filled up by European Servants, and accordingly a proper Supply muſt always be kept up; but from what we have obſerved and learnt upon good Information, we are confident that conſiderable Saving of Expence in our Eſtabliſhments may be effectuated, by employing Natives in copying Papers, and in other ſubordinate Occupations; and we direct

you

ou to attend to this Circumſtance in reporting to us your Advice what we ought to adopt as our Standard Eſtabliſhment.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 28th February 1787.

Read a Letter and Encloſure as follows, from Colonel Pearſe:

My Lord,

I TAKE the Liberty to lay before your Lordſhip a Letter from Lieutenant Colonel Deare, which I have this Inſtant received.

The Man in queſtion has ſet up a Shop for Spirits ſince we went to Dum Dum juſt within the Mahratta Ditch, where, under Pretence of being a Britiſh Subject, he inſults all Decency and Order, and by ſo doing occaſions Crimes and Deſertions. He was ſeized in Camp, attended by a Cooley with Bottles, the Contents of which had been ſold to our Soldiers, and he had actually collected Money from them for Liquors ſold.

I humbly requeſt, that your Lordſhip will favour me with Orders what ſhall be done further on this Occaſion.

I am, &c.

Fort William, 23d Feb. 1787. (Signed) T. D. Pearse.

To Colonel Thos Deane Pearſe, commanding the Artillery.

Sir,

Having expreſſed a Deſire to ſeize an European who ſells Spirituous Liquors to the Soldiers at Dum Dum, ſhould he be found in Camp, Lieutenant Turton met him there laſt Night. Upon being accoſted by that Gentleman to give an Account of himſelf, he became exceeding impertinent; he was then immediately ſecured in the Line Guard. He came to Camp for the Purpoſe of collecting Money from the Soldiers for Liquors he had ſold them. This Man turns out to be one John Thomas, he came over in the Lanſdown Indiaman as Captain's Servant in September 1786. As I do ſuppoſe he is in this Country without Permiſſion, and as he is the Cauſe of a great Deal of Irregularity amongſt our Soldiers, I hope you will be able to procure an Order from the Governor General that ſhall prevent his doing further Miſchief to us. This Man entertains the Soldiers at his Houſe in the Night in every Kind of Drunkenneſs and Debauchery, and is, I think, the principal Cauſe of the great Deſertion which have been in our Corps ſince we went to Dum Dum; from my Battalion I loſt Nine Men laſt Month.

Will you be pleaſed to favour me with your Orders, directing me how to diſpoſe of my Priſoner.

I am, &c.

Dum Dum, 23d Feb. 1787. (Signed)

Ordered, That the European alluded to in the above Letter, be delivered to the Fort Major with Directions to ſend him down the River to the Oxford.

Ordered, That Captain White be directed to carry him to Europe, as he has no Licence to remain in India.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 12th March 1787.

THE Governor General lays before the Board the following Advertiſement, which he recommends to be publiſhed in the Gazette.

"Advertisement.

"Whereas it is by ſeveral Acts of Parliament declared to be unlawful for any Britiſh Subject to repair to, reſide, or to be concerned in any Traffic or Commerce whatſoever,

whatſoever, within the Limits of the excluſive Trade of the Eaſt India Company, without or contrary to the Licence of the ſaid Company firſt had and obtained: And whereas there is reaſon to believe, that ſundry Perſons being natural-born Britiſh Subjects, have in contempt of the Laws thus exiſting repaired to, and are now, either without any original Licence, or after the Expiration of ſuch as they may have obtained, reſident within the aforeſaid Limits; it is therefore hereby required of all Britiſh Subjects not in the Service of His Majeſty or of the Eaſt India Company, and reſiding or being within the Provinces of Bengal, Bahar, and Oriſſa, or in the Dominions of the Nabob Vizier, or the Zemindary of Benares, to certify within Three Months from this Date by Letter to William Brooke Eſquire, the Secretary to the Public Department, their ſeveral Names, Occupations, and Places of Abode, ſpecifying at the ſame Time the Year they reſpectively arrived in India, and if by Sea, the Name of the Ship, and of the Commander, and tranſmitting alſo the original Licence they may have reſpectively obtained, admitting of their Reſidence within the Company's Limits, and if the Term thereof be expired, or as far as regards ſuch Perſons as are not poſſeſſed of any, they are required to ſubmit ſuch Grounds for Conſideration as they may think proper, to enable Government to form a Judgment on the Expediency of admitting of their longer Continuance in India: And it is hereby further declared, that all Britiſh Subjects not being in His Majeſty's or the Company's Service, who ſhall fail, within the Period thus limited, to report their Names and the other Circumſtances as above required, relative to their Situations in this Country, ſhall be held and taken to have forfeited all Title or Plea whatſoever to remain in it, and become liable to be dealt with as the ſeveral Acts above referred to direct in reſpect to Perſons unlicenſed.

By Command, &c.

21ſt March 1787. (Signed) Jon^n Duncan,
Aſſ^t Secretary."

Agreed to and ordered accordingly.

EXTRACT OF BENGAL PUBLIC CONSULTATIONS, 4th July 1787.

THE Secretary ſubmits to the Board's Conſideration a ſhort Abſtract, alphabetically arranged, of all the Letters received from Individuals reſident in India, who are not in the Company's Service, in Reply to the Advertiſement publiſhed in the Gazette of the 21ſt March laſt, the Period of its Limitation being expired.

Read the Two firſt Heads, viz. A. and B. of the Abſtract.

Agreed, That the Advocate General be deſired to furniſh the Board with a connected Summary of the ſeveral Laws as they now ſtand, relative to the Powers veſted in Government for ſending Home Perſons unlicenſed; and that he do alſo report his Opinion on the moſt proper Form or Forms to be obſerved in this Reſpect.

Extract of Public Letter from Bengal, dated 27th July 1787.

Para. 66. Having found every other Attempt in vain to obtain an exact Account of all thoſe Perſons reſiding in Calcutta and the Provinces, who are not in the Service of His Majeſty or the Company, we directed an Advertiſement to be publiſhed, peremptorily requiring all who came under the above-mentioned Deſcription, to give an Account of themſelves by Letter to the Secretary for this Department, within Three Months from the Date thereof; that Time being expired, the Letters which were received are now digeſted into an alphabetical abſtract Copy, of which we ſend you a Number in the Packet. Cont. 12th March.

67. This Liſt, though much fuller than any heretofore obtained, is by no means ſo complete as we could wiſh; many licenſed by your Honourable Court appear in it; others, though unlicenſed, have omitted to give an Account of themſelves under the Idea (as we underſtand), that being Officers of the Supreme Court, it is not required of them; and others again having no creditable Mode of obtaining a Livelihood, are apprehenſive of being immediately ſent away.

68. We have not formed any Reſolution with reſpect to either Claſs; but, to enable us to carry legally into Execution the Powers committed to us by the Legiſlature, we have directed the Advocate General to prepare a progreſſive Summary of the different Laws affecting Perſons of this Deſcription, and to report to us the Forms to be obſerved in our Determination regarding them. This Delay is altogether immaterial, as we underſtand no Perſon can be ſent Home without previous Notice before the 1ſt January 1788.

Con^t. 4th July.

Extract of Public Letter to Bengal, dated 18th February 1789.

Letter from, dated 27th July 1787. (65 a 68) Unlicenſed Perſons reſiding in India.

Para. 11. Theſe Paragraphs are under the Conſideration of the Company's Law Officers.

Extract Public Letter to Bengal, dated 31ſt July 1787.

Perſons unlicenſed by the Company.

Para. 182. The Directions contained in our Letters of the 26th September 1782 and 15th January 1783, for not admitting into our Service Perſons reſident in India unlicenſed by us, or licenſed only under certain Reſtrictions or Conditions, have not been ſufficiently attended to; otherwiſe the appointing ſuch Perſons Chaplains, as in the Inſtances of Meſſrs. Mackinnon, Brown, Goddard, and Secombe, and other Perſons in ſimilar Situations, to various Offices, could not have taken place.

183. By ſeveral Acts of Parliament, and particularly by the Act of the 26th of His preſent Majeſty, Cap. 57. Sect. 34 to 37. the Powers veſted in our Governments abroad for ſending to England Perſons reſident in India without our Licence are clearly explained; but if inſtead of putting in force thoſe Powers, our Governments in India not only connive at the Reſidence of unlicenſed Perſons, but even proceed ſo far as to give them lucrative Appointments, every Regulation adopted by the Legiſlature or by us to obviate this Grievance will be in vain, and we may ſuffer the Mortification of having valuable Offices filled up by Perſons entire Strangers to us, and of whoſe Abilities and Integrity we have no Aſſurance.

184. We hope and truſt we ſhall have no Cauſe to complain of this in future. We ſhall pay proper Attention to the ſupplying your Eſtabliſhments from hence; and as a Means of preventing unlicenſed Perſons from proceeding to India, we direct, that on the Arrival of every Ship you call on the Captain to give in a Liſt of his Paſſengers and Crew, ſpecifying each Perſon of the latter Deſcription who came out and will continue the Voyage with him, with an Account of Caſualties on the Voyage, and each Paſſenger either for your Preſidency or any other, ſtating ſuch as may have been left at any Port the Ship may have touched at.

185. With theſe Liſts before you, you will be enabled to diſcover what Perſons proceed with or without our Licence, and alſo ſuch as having come out as Officers or otherwiſe of our Ships, under Pretence of Sickneſs or other Cauſe, are left in the Country; and you are to be careful that all thoſe of the two latter Deſcriptions have immediate Notice to quit the Settlement, under the Pains and Penalties of the aforeſaid Act, unleſs you ſhall be ſatisfied that the Plea of Ill Health is well founded, in which Caſe you will allow ſuch Time as you may think neceſſary for the Removal of the Party.

186. As it is probable that many unlicenſed Perſons proceed to India on the Ships of other Nations, we truſt to your Care and Attention that ſuch Perſons will, on your being informed thereof, immediately be directed to leave the Settlement.

187. And we further direct, that in future you give poſitive Orders to the Maſter Attendant, or to the Perſon you ſhall employ to diſpatch the ſeveral Ships, carefully to muſter the Ship's Company and Paſſengers, and to require the Commander to produce to him your Orders for every Perſon under the latter Deſcription proceeding to Europe: and if it ſhall appear to him that there is any Paſſenger on board without your Authority, or any Perſon muſtered on the Books whom he has Reaſon to ſuppoſe is not actually one of the Ship's Company, but who adopts that Method of returning to England, with an Intention of evading our Orders

Orders reſpecting unlicenſed Perſons, in either Caſe he is to notice particularly, in the Liſt of Paſſengers tranſmitted to our Secretary here, the Names of ſuch Paſſengers whom he ſhall diſcover on board without proper Orders for proceeding to Europe.

EXTRACT OF BENGAL PUBLIC CONSULTATIONS, 24th December 1787.

THE Board deeming it highly proper that the Number of Europeans reſiding in the interior Parts of the Country ſhould be aſcertained;

Agreed, That the Collectors, the Judges of independent Adawluts, and the Reſident at Benares, be directed to tranſmit, as ſoon as poſſible, Liſts of all Europeans (not in the Company's Service) who reſide in their reſpective Diſtricts, ſpecifying the Manner in which they are at preſent employed, and giving an Account of their general Conduct and Character, as far as may have come to their Knowledge.

Ordered, That Notice be given at the ſame Time by the different Collectors, the Judges of Adawlut, and Reſident at Benares, that after the 1ſt March next, no European being a Britiſh Subject, not in the Company's Service, will be ſuffered to reſide in the interior Parts of the Country, without having obtained the particular Licence of Government.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 16th January 1788.

Read a Letter and Encloſures from the Advocate General:

My Lord,

I have had the Honour to receive from Mr. Secretary Duncan a Letter, written by your Orders in Council, requiring me to reviſe the various Laws enacted for reſtraining Britiſh Subjects, not in His Majeſty's or the Company's Service, nor licenſed by the Company, from going to, haunting, or reſiding in the Eaſt Indies within the Limits of the Company's Charter; and after giving a connected Summary of their Contents, to point out the Manner and the moſt proper Form or Forms applicable to each of the above deſcribed Claſſes of Britiſh Subjects in the Country, according to which Government may moſt legally and effectually exerciſe the Power veſted in them for compelling the Return to Great Britain of any of the ſaid Perſons who may not be thought fit Objects to be allowed to remain in India.

In Obedience to your Lordſhip's Command, I have applied myſelf to the Reviſion of all the Laws now in force which relate to the above Subject; and have the Honour to ſubmit the following Summary of them to your Lordſhip's Peruſal:

The firſt Act of Parliament which reſtrains Britiſh Subjects from repairing to, and trading in, the Eaſt Indies, is the 9th and 10th of Wm. III. c. 44. by the 81ſt Section of which it was enacted, "That ſuch Perſons or Corporations as in "purſuance of this Act ſhall have a Right and Power to trade to the Eaſt "Indies, and other the Parts aforeſaid, according to ſuch Proviſion, Proportions "and Reſtrictions as are in this Act contained, and ſubject to the Condition or "Power of Redemption before mentioned, from and after the ſaid Nine-and-"twentieth Day of September One thouſand ſix hundred and ninety-eight, ſhall "have, uſe, and enjoy the whole and ſole Trade and Traffick, and the only "Liberty, Uſe, and Privilege of trading, trafficking, and exerciſing the Trade or "Buſineſs of Merchandize to and from the ſaid Eaſt Indies, and to and from all "the Iſlands, Ports, Havens, Cities, Towns and Places within the Limits before "mentioned; and that the ſaid Eaſt Indies, or the Iſlands, Havens, Ports, Cities, "Towns orPlaces within the Limits aforeſaid, or any of them, ſhall not after the ſaid

"Nine-

" Nine-and-twentieth Day of September, One thouſand ſix hundred and ninety-
" eight, be viſited, frequented, or haunted by any other of the Subjects of His
" Majeſty, His Heirs or Succeſſors; during ſuch Time as the Benefit of Trade
" hereby given or intended to be given to the Subſcribers or others as aforeſaid
" ought to continue by virtue of this Act; and if any of the Subjects of His
" Majeſty, His Heirs or Succeſſors, of what Degree or Quality ſoever they be,
" other than ſuch as may lawfully go and trade to the Eaſt Indies, and other the
" Parts aforeſaid, by virtue of this Act, and their Factors, Agents, and Servants
" reſpectively, who ſhall be employed according to the true Meaning hereof, ſhall
" directly or indirectly viſit, haunt, frequent, trade, traffick, or adventure into or
" from the ſaid Eaſt Indies, or other Parts before mentioned, contrary to the true
" Meaning hereof, all and every ſuch Offender and Offenders ſhall incur the
" Forfeiture and Loſs of all the Ships and Veſſels which ſhall be employed in
" ſuch Trade, with the Guns, Tackle, Apparel, and Furniture thereunto be-
" longing; and alſo all the Goods and Merchandize laden thereupon, and all
" the Proceeds and Effects of the ſame; and alſo double the Value thereof; (to
" wit) One-fourth Part thereof to ſuch Perſon or Perſons as will ſeize, inform,
" or ſue for the ſame, to be recovered in any Court of Record as aforeſaid, and
" the other Three-fourth Parts to the Uſe of the ſaid General Society, until a
" Company ſhall be erected as aforeſaid; and after the erecting thereof, (if any
" ſuch be) then to the Uſe of the ſaid Company without Account, the Charges
" of Proſecution being borne by the ſaid Society or Company."

But although by the above Clauſe very heavy Forfeitures and Penalties were enacted againſt Perſons viſiting, haunting, frequenting, trading, trafficking, or adventuring in, to, or from the Eaſt Indies, contrary to the Meaning of the ſaid Act, yet no Power was given to the Eaſt India Company, or their Agents, of ſeizing and ſending Home ſuch Offenders, and as the Forfeitures and Penalties could only be ſued for and recovered in a Court of Record, of which none exiſted at that Period, nor for a long Time after, in any of the Engliſh Factories in the Eaſt Indies; the 5th of Geo. I. c. 21. enacted,

Sec. I. " That if any of His Majeſty's Subjects ſhall, from and after the
" Twentieth Day of February, in the Year of Our Lord One thouſand ſeven
" hundred and eighteen, ſail, go, or repair to, or be in the Eaſt Indies, or Parts
" aforementioned, or any of them, contrary to the Laws now in being, or con-
" trary to the Tenor of this Act, every ſuch Perſon and Perſons ſo offending
" ſhall be liable to ſuch Puniſhment as by any Law or Laws now in being may be
" inflicted for ſuch Offence."

Sect. II. " And to the Intent that ſuch Offender and Offenders may be brought
" to Juſtice, it is hereby enacted, That it ſhall and may be lawful to and for the
" United Company of Merchants of England trading to the Eaſt Indies, and their
" Succeſſors, to take, arreſt, and ſeize, or cauſe to be taken, arreſted, and ſeized,
" ſuch Perſon or Perſons, being a Subject or Subjects of His Majeſty, His Heirs
" and Succeſſors, at any Place or Places where he or they ſhall be found within
" the Limits aforeſaid, and the Perſon and Perſons ſo taken, arreſted, and ſeized
" to ſend and remit to England, there to anſwer for the Offence aforeſaid,
" according to due Courſe of Law."

Sect. III. " And it is hereby further enacted by the Authority aforeſaid,
" That all and every Perſon and Perſons, who, from and after the Fifth Day of
" February One thouſand ſeven hundred and eighteen, ſhall procure, ſolicit for,
" obtain, or act under any Commiſſion, Authority, or Paſs from any Foreign
" Prince, State, or Potentate whatſoever, or to ſail or go, or trade in or to the
" Eaſt Indies, or any the Parts aforeſaid, every ſuch Perſon or Perſons ſo
" offending herein, ſhall incur and forfeit for every ſuch Offence the Sum of
" Five hundred Pounds."

This Statute, which was only to continue in force for Five Years, and to the End of the next Seſſion of Parliament, was continued by the 9th of G. I. c. 26. for Seven Years from March 1723; by the 5th G. II. c. 29. it was revived and continued for Seven Years from May 1732; by the 13th of G. II. c. 18. was continued to 1ſt June 1747; and by the 20th of G. II. c. 47. was continued to the 25th March 1780.

But

But the Two preceding Laws not being thought ſufficiently cogent, in the 7th of Geo. I. another Statute was made, intituled "An Act for the further "preventing His Majeſty's Subjects from trading to the Eaſt Indies under foreign "Commiſſions, and for encouraging and further ſecuring the lawful Trade thereto, "and for further regulating the Pilots of Dover, Deal, and the Iſle of Thanet;" by which it was enacted,

Sect. I. "That if at any Time from and after the Four-and-twentieth Day of "June, which ſhall be in the Year of Our Lord One thouſand ſeven hundred and "twenty-one, any of His Majeſty's Subjects ſhall ſail, go or repair to, or ſhall "trade, traffick or adventure in, to, or from the Eaſt Indies or Parts aforeſaid, "contrary to the Laws now in being, or contrary to the Tenor of this Act, in "every ſuch Caſe it ſhall and may be lawful either for His Majeſty's Attorney "General for the Time being, or for the ſaid United Company, at any Time "within the Space of Six Years, to file or exhibit in any of His Majeſty's Courts "of Record at Weſtminſter, One or more Informations againſt ſuch Offender "or Offenders, for the Offence by him or them committed; and if the Party "or Parties, Defendant or Defendants to ſuch Information or Informations ſhall "by due Courſe of Law appear or be found to be guilty thereof, in the Court "where ſuch Information or Informations ſhall be ſo filed or exhibited, ſhall "forthwith proceed to give Judgment againſt the Defendant and Defendants, "by which Fine and Impriſonment, or either of them, as the ſaid Court ſhall "think fit, and ſhall alſo award the Proſecutor or Proſecutors his and their full "Coſt of Suit; but in caſe the ſaid Defendant or Defendants ſhall be, upon any "Information exhibited by the ſaid Company, acquitted or found not guilty, in "ſuch Caſe the ſaid Company ſhall pay ſuch Defendant or Defendants his or "their full Coſts.

Sect. III. "That every Perſon and Perſons, Subject and Subjects of His Majeſty, "His Heirs and Succeſſors, who ſhall at any Time or Times, from and after the "ſaid Four-and-twentieth Day of June One thouſand ſeven hundred and twenty-"one, go or repair to the Eaſt Indies or Places aforeſaid, contrary to the Laws "now in being, ſhall be deemed and accounted to be a Trader, and to have traded "and trafficked there, and all the Goods and Merchandize that ſhall be there "bartered or trafficked for, or be purchaſed by any ſuch Offender or Offenders, "or ſhall be found in his Cuſtody or in the Cuſtody of any other Perſon or "Perſons, by his or their Order or Procurement, ſhall be forfeited, with double "the Value thereof."

This Act was followed in Two Years after by the 9th of Geo. I. c. 26, intituled "An Act to prevent His Majeſty's Subjects from ſubſcribing or being "concerned in encouraging or promoting any Subſcription for an Eaſt India "Company in the Auſtrian Netherlands; and for the better ſecuring the lawful "Trade of His Majeſty's Subjects to and from the Eaſt Indies;" by which it was enacted,

Sect. VI. "That if any Perſon or Perſons, Subject or Subjects to His Majeſty, "His Heirs or Succeſſors, (other than ſuch as are lawfully authorized thereunto), "ſhall at any Time or Times from and after the Four-and-twentieth Day of "June, in the Year of Our Lord One thouſand ſeven hundred and twenty-"four, go, ſail or repair to, or be found in or at the Eaſt Indies, or any the "Places aforeſaid, every Perſon and Perſons ſo offending are and are hereby "declared to be guilty of a high Crime and Miſdemeanour, and ſhall and may "be proſecuted for the ſame in any of His Majeſty's Courts of Record at Weſt-"minſter, wherein no Eſſoign, Wager of Law, or Protection ſhall be allowed, nor "any more than One Imparlance; and ſuch Perſon and Perſons ſo offending, "being convicted thereof, ſhall be liable to ſuch corporal Puniſhment or Im-"priſonment, or to ſuch Fine as the Court where ſuch Proſecution ſhall be com-"menced ſhall think fit, One Moiety of ſuch Fine to be to the Uſe of His "Majeſty, His Heirs and Succeſſors, and the other Moiety thereof to him or them "that ſhall inform and ſue for the ſame."

Sect. VII. "That all and every Perſon and Perſons ſo offending ſhall and may "be ſeized and brought to England, and it ſhall and may be lawful to and for "any One or more of His Majeſty's Juſtices of the Peace, and they are hereby

" authorized and required to commit all and every ſuch Perſon and Perſons to " the next County Gaol, there to remain until ſufficient Security be given by " natural-born Subjects or Denizens to appear in the Court where ſuch Suit or " Proſecution ſhall be commenced or depending, to anſwer the ſame, and not to " go or depart out of Court or out of this Kingdom without the Leave of the " ſaid Court."

By the 17th of Geo. II. c. 17, intituled " An Act for granting to His Majeſty " the Surplus or Remainder of the Monies ariſen or to ariſe by the Duties on " Spirituous Liquors granted by an Act of the laſt Seſſion of Parliament, and " for explaining and amending the ſaid Act in relation to the Retailers of " ſuch Liquors, and for eſtabliſhing an Agreement with the United Company " of Merchants of England trading to the Eaſt Indies," it was enacted,

Sect. XI. " That notwithſtanding ſuch Redemption of the ſaid Annuities or " yearly Funds of One hundred and twenty-eight thouſand Pounds, and Thirty " thouſand Pounds as aforeſaid, the ſaid United Company of Merchants of " England trading to the Eaſt Indies ſhall (ſubject to the Proviſo of Determi- " nation herein-after mentioned) have, uſe and enjoy, and ſhall continue to have, " uſe and enjoy the whole ſole and excluſive Trade and Traffick, and the only " Liberty, Uſe and Privilege of trading, trafficking and exerciſing the Trade or " Buſineſs of Merchandize in, to and from the Eaſt Indies, and in, to and from " all the Iſlands, Ports, Havens, Coaſts, Cities, Towns and Places between the " Cape of Good Hope and Streights of Magellan, and Limits in the ſaid Act " of the Ninth Year of the Reign of His ſaid late Majeſty King William the " Third, or in the ſaid Charter of the Fifth Day of September in the Tenth Year " of His ſaid Majeſty's Reign mentioned, in as ample and beneficial a Manner " as the ſaid Company could thereby or otherwiſe lawfully trade thereto; and " the ſaid Eaſt Indies or the Iſlands, Havens, Coaſts, Ports, Cities, Towns and " Places within the Limits aforeſaid, or any of them, ſhall not from henceforth " at any Time before ſuch Determination of the ſaid ſole and whole Trade of the " ſaid United Company of Merchants of England trading to the Eaſt Indies, as " is herein-after mentioned, be repaired or ſailed to, viſited, frequented or haunted " by any other the Subject of His Majeſty, His Heirs or Succeſſors whatſoever; " and if any of the ſaid Subjects of His Majeſty, His Heirs or Succeſſors, of what " Degree or Quality ſoever they be, other than the Factors, Agents and Servants " of the ſaid United Company of Merchants of England trading to the Eaſt " Indies, or ſuch as ſhall be by them thereunto licenſed or authorized, ſhall, at " any Time or Times hereafter before ſuch Determination of the ſaid Company's " whole and ſole Trade as aforeſaid, directly or indirectly ſail or go to, viſit, " haunt, frequent, traffick, trade or adventure in, to or from the ſaid Eaſt Indies, " or other the Limits or Parts aforeſaid, contrary to the true Meaning hereof, all " and every ſuch Offender and Offenders ſhall incur the Forfeiture and Loſs of " all the Ships and Veſſels which ſhall be employed in ſuch Voyage, Trade, Traffick " or Adventure, with the Guns, Tackle, Apparel and Furniture thereunto be- " longing, and alſo all the Goods laden thereupon or that were or ſhall be ſent " to, acquired, traded, trafficked or adventured within the ſaid Eaſt Indies or " Parts aforeſaid, and all the Proceeds and Effects of the ſame and every of them, " and Double the Value thereof; which Penalties and Forfeitures ſhall be ſued " for, ſeized, diſtributed and diſtributable, recovered and recoverable, as in and " by an Act made in the Seventh Year of the Reign of His late Majeſty King " George the Firſt, intituled " An Act for the further preventing His Majeſty's " Subjects from trading to the Eaſt Indies under Foreign Commiſſions, and for " encouraging and further ſecuring the lawful Trade thereto, and for further " regulating the Pilots of Dover, Deal, and the Iſle of Thanet, is appointed, " directed and enacted, concerning the Penalties and Forfeitures in that Act " mentioned or referred to with reſpect to the ſaid United Company or their " Trade to the Eaſt Indies."

By the 20th of G. III. c. 19. the afore-mentioned Act of the 5th of G. I. which had been revived by the 5th of G. II. c. 29. and continued by ſubſequent Acts down to the 25th of March 1780, was further continued to the 25th Day of March 1800, and from thence to the End of the then next Seſſions of Parliament.

By

By the 21ſt of *G.* III. c. 63. it was enacted, "That the ſaid United Company "of Merchants of England trading to the Eaſt Indies ſhall (ſubject to the Proviſo "of Determination therein-after contained) have, uſe, enjoy, and ſhall continue "to have, uſe, and enjoy, the whole ſole and excluſive Trade and Traffick, "and the only Liberty, Uſe, and Privilege of trading, trafficking, and exerciſing "the Trade or Buſineſs of Merchandize in, to, and from the Eaſt Indies, and in, "to, and from all the Iſlands, Ports, Havens, Coaſts, Cities, Towns, and Places, "between the Cape of Good Hope and Streights of Magellan, and Limits in the "ſaid Act of the Ninth Year of the Reign of the ſaid late Majeſty King William "the Third, or in the ſaid Charter of the Fifth Day of September in the Fourth "Year of His ſaid Majeſty's Reign mentioned, in as ample and beneficial a "Manner as the ſaid Company could thereby or otherwiſe lawfully trade thereto; "and the ſaid Eaſt Indies, or the Iſlands, Havens, Coaſts, Ports, Cities, Towns, "and Places within the Limits aforeſaid, or any of them, ſhall not from hence-"forth at any Time before ſuch Determination of the ſole and whole Trade of the "ſaid United Company of Merchants of England trading to the Eaſt Indies, as "is herein-after mentioned, be repaired or reſorted to, viſited, frequented, or "haunted by any other the Subjects of His Majeſty, His Heirs or Succeſſors "whatſoever; and if any of the ſaid Subjects of His Majeſty, His Heirs or Suc-"ceſſors, of what Degree or Quality ſoever they be, other than the Factors, "Agents, and Servants of the ſaid United Company of Merchants of England "trading to the Eaſt Indies, or ſuch as ſhall be by them thereunto licenſed or "authorized, ſhall at any Time or Times hereafter, before ſuch Determination of "of the ſaid Company's whole and ſole Trade as aforeſaid, directly or indirectly "ſail or go to, viſit, haunt, frequent, traffick, trade, or adventure in, to, or "from the ſaid Eaſt Indies, or other the Limits or Parts aforeſaid, contrary to the "true Meaning hereof, all and every ſuch Offender and Offenders ſhall incur the "Forfeiture and Loſs of all the Ships and Veſſels which ſhall be employed in ſuch "Voyage, Trade, Traffick, or Adventure, with the Guns, Tackle, Apparel, "and Furniture thereunto belonging, and alſo the Goods laden thereupon, or "that were or ſhall be ſent to, acquired, traded, trafficked, or adventured with in "the ſaid Eaſt Indies or Parts aforeſaid, and all the Proceeds and Effects of the "ſame and every of them, and Double the Value thereof; which Penalties and "Forfeitures ſhall be ſo ſued for, ſeized, diſtributed and diſtributable, recovered "and recoverable, as in and by the Act made in the Seventh Year of the Reign "of His Majeſty King George the Firſt, (intituled, An Act for the further pre-"venting His Majeſty's Subjects from proceeding to the Eaſt Indies under Foreign "Commiſſions, and for encouraging and further ſecuring the lawful Trade "thereto, and for further regulating the Pilots of Dover, Deal, and the Iſle of "Thanet), is appointed, directed, and enacted, concerning the Penalties and "Forfeitures in that Act mentioned or referred to with reſpect to the ſaid United "Company or their Trade to the Eaſt Indies."

Sect. IV. "And that the ſaid United Company of Merchants of England "trading to the Eaſt Indies ſhall at all Times hereafter, for ever, ſubject as afore-"ſaid, have, hold, and enjoy, and be entitled unto all and every the Profits, "Benefits, Advantages and Privileges, Franchiſes, Abilities, Capacities, Powers, "Authorities, Rights, Remedies, Methods of Suit, and all Penalties and For-"feitures and Diſabilities, Proviſions, Matters, and Things whatever, which by "any former Act or Acts of Parliament, or by any Charter or Charters founded "thereupon, or by any Clauſe or Clauſes in the ſaid Acts or Charters contained, "are veſted, given, granted, provided, inflicted, limited, eſtabliſhed, or declared, "to, for, touching, or concerning the ſaid Company or Body Politic and Cor-"porate, either to the Advantages given by an Act of Parliament for advancing "a Sum not exceeding Two Millions, for the Service of the Crown of England "on the ſaid Body Politic and Corporate, called by the Name of 'The Engliſh "Company trading to the Eaſt Indies,' or the ſaid Body Politic or Corporate, "now called by the Name of 'The United Company of Merchants of England "trading to the Eaſt Indies,' and not by this Act altered or intended to be altered, "according to the Tenor and true Meaning of the ſaid Acts and Charters, freed "and diſcharged from all Proviſoes and Conditions of Redemption and Deter-

"mination

" mination therein contained; and the ſame and every of them are hereby ratified " and confirmed, and ſhall continue to be held and enjoyed, and be practiſed and " put in Execution by the ſaid United Company of Merchants of England trading " to the Eaſt Indies and their Succeſſors, for the better and more effectual ſetting " and ſecuring to them and their Succeſſors, the whole, ſole, and excluſive Trade " to the Eaſt Indies and Parts aforeſaid, and for the preventing all others His " Majeſty's Subjects trading thither, and for ſecuring alſo their Poſſeſſions, Eſtate, " and Effects, and governing their Affairs and Buſineſs in all reſpects as fully " and effectually as if the ſame Profits, Benefits and Advantages, Trade, Privi- " leges, Franchiſes, Abilities, Capacities, Powers, Authorities, Rights, Remedies, " Methods of Suits, Penalties, Forfeitures, Diſabilities, Proviſions, Matters, and " Things were ſeverally repeated and at large re-enacted in the Body of this Act, " ſubject nevertheleſs to ſuch Reſtrictions, Covenants, and Agreements, as are " contained in the ſaid Act and Letters Patent now in force and not herein " or hereby varied or altered, and ſubject alſo to the Proviſo herein-after " mentioned."

By the 26th of the preſent King, ſome Doubts which had been entertained upon the Conſtruction of the former Acts, authorizing the ſending Home unlicenſed Britiſh Subjects are explained, and the Manner in which that Power is to be exerciſed is more preciſely defined:

For by the XXIVth Section it is enacted, " That all and every Perſon and Perſons whoſe Licence or Licences to go to, or trade, traffick, or reſide within the " Limits aforeſaid, ſhall have ceaſed and determined, or who ſhall have been diſ- " miſſed from or reſigned the ſaid Company's Service, and ſhall be found within " the Limits aforeſaid, after ſuch Time as ſhall be allowed by the Governor and " Council of the reſpective Preſidencies in India, wherein ſuch Perſon or Perſons " ſhall be found, ſhall be deemed and taken to all Intents and Purpoſes to be " ſubject to all the Proviſions, Regulations, Penalties, and Forfeitures by any " Act or Acts made or impoſed upon any Perſon or Perſons who ſhall repair, " ſail, or go to, or traffick, trade, or adventure in, or be found in any Place within " the Limits aforeſaid, without Licence having been obtained from the ſaid Com- " pany, or without having been in the ſaid Company's Service."

Sect. XXXV. " That the Powers and Authorities in and by the ſaid Acts, and " every or any of them given, granted, or provided, for taking, arreſting, ſeizing, " remitting, ſending, or bringing to England, any Perſon or Perſons being in the " Eaſt Indies, or in the Limits or Parts aforeſaid, contrary to the Proviſions of the " ſaid Acts or of this Act, and for ſeizing any Ships, Veſſels, Goods, or Effects, " made liable to Seizure by the ſaid Company, or by any Law now in force, ſhall " and may be enforced and put into Execution by or by the Order and Authority " of the Governor General in Council of Bengal, to the Preſident and Council of " Fort St. George and Bombay reſpectively, or by any Reſident at any other of " the Britiſh Settlements in the Eaſt Indies for the Time being reſpectively, or " by or by the Order and Authority of the Company's Council of Supra-cargoes " for the Time being, at the Town or Factory, and upon the River of Canton, " and by ſuch other Perſon and Perſons as ſhall from Time to Time be eſpecially " deputed and authorized for that Purpoſe by the Court of Directors of the ſaid " Company for the Time being, in the Name of the ſaid Company."

Sect. XXXVI. " That no Perſon now being in the Eaſt Indies, or other Parts " within the Limits of the Company's excluſive Trade, and who ſhall not have " had Notice given to him by the Order and Authority of the ſaid Court of Di- " rectors, or by the Governor General and Council of Fort William, or the " Governor or Preſident and Council of Fort St. George or Bombay, before the " paſſing of this Act, to remove or withdraw himſelf from the ſaid Parts and " Limits, ſhall before the Firſt Day of January One thouſand ſeven hundred and " eighty-eight be liable to be arreſted, ſeized, or brought to England, under the " Authority of this Act, on account of his going to, trading, trafficking, reſiding, " or being found in the Eaſt Indies, or Parts aforeſaid, without Licence or other " lawful Authority in that Behalf, to the Intent that every ſuch Perſon may have " reaſonable Time to ſettle and adjuſt his private Affairs; any Thing in this Act " or in any other Act contained to the contrary notwithſtanding: Provided alſo, " that it ſhall and may be lawful to and for the Governor General and Council

" of

" of Fort William, and the Governor in Council of Fort St. George and Bombay, " and the Reſident at Fort Marlborough, within their reſpective Reſidencies or " Limits to grant Licences in their Diſcretion reſpectively under their Hands and " Seals to any of His Majeſty's Subjects now reſident in the Preſidencies or Places " aforeſaid, for permitting ſuch Subjects reſpectively, or any of them, to remain " and continue to trade or reſide within the ſaid Preſidencies or other Places " aforeſaid, (ſuch Perſon or Perſons not being, by reaſon of his or their holding " any Office or Employment, Offices or Employments, or in any other Manner " diſabled or prohibited from trading in the Eaſt Indies or Parts aforeſaid, by any " Act or Acts now in force), for any Term not exceeding Two Years, to be com- " puted from the Firſt Day of January One thouſand ſeven hundred and eighty- " ſeven, the Perſons receiving ſuch Licences, firſt entering into the like Cove- " nants as are uſually entered into by Perſons licenſed by the ſaid Company, or " ſuch other reaſonable Covenants as ſhall be directed by the Court of Directors " of the ſaid Company for the Time being; and that all and every of ſuch Li- " cences ſhall be of the ſame Force and Effect during the Term for which the " ſame ſhall be ſo lawfully granted, (unleſs the ſame ſhall be ſooner revoked by " the ſaid Court of Directors, or by the Governors and Councils of the ſaid re- " ſpective Preſidencies in India), who are hereby authorized in their Diſcretion " to revoke and determine the ſame, as if ſuch Licences had been granted under " the Seal of the ſaid Company; any Thing in this Act or any former Act con- " tained to the contrary notwithſtanding."

Sect. XXXVII. " That if any Suit or Action ſhall be brought or commenced " againſt the ſaid Company, or any of their Servants, or againſt any Perſon acting " by their Authority, for the Recovery of any Coſts or Damages for the unlaw- " ful taking, arreſting, ſeizing, impriſoning, ſending or bringing to England of " any Perſon or Perſons found in the Eaſt Indies, or other Parts aforeſaid, within " the Limits of the ſaid Company's excluſive Trade, or as not being authorized to " reſide or traffick there, the Defendant or Defendants to ſuch Suit or Action ſhall " and may plead the General Iſſue, and give the Special Matter in Evidence for " his or their Defence; and the Proof ſhall lie on the Plaintiff or Plaintiffs upon " the Trial of the Iſſue, to ſhew that at the Time or Times of arreſting or ſeizing " ſuch Perſon or Perſons reſpectively, for the Cauſe aforeſaid, in the Manner in " which the ſame ſhall be laid or charged, to have been done in and by the De- " claration or Declarations in ſuch Suits or Actions the Perſon or Perſons ſo arreſted " or ſeized was or were in the Military or Marine Service of the King's Majeſty, " His Heirs or Succeſſors, or was or were under Covenant to ſerve the ſaid Com- " pany in India, or was or were duly poſſeſſed of Licence or Licences in Writing, " authorizing him or them to go to or reſide and traffick in India, or other the " ſaid Parts and Limits, or that the Perſon or Perſons (not being in His Majeſty's " Service) was or were, at the Time or Times of his or their being ſo ſeized or " arreſted, entitled or authorized by the Stipulations of ſuch Covenants or Li- " cences reſpectively to remain and continue in India, or other the Parts and " Limits aforeſaid; and in Failure of ſuch Proof, the Plaintiff or Plaintiffs ſhall " become nonſuited; and in ſuch Caſe or in any other Caſe wherein the Plaintiff " or Plaintiffs in any ſuch Suit or Suits, or Action, ſhall become nonſuited, or " wherein Judgment ſhall be given againſt ſuch Plaintiff or Plaintiffs upon De- " murrer, or where a Verdict ſhall paſs for the Defendant or Defendants, the " Defendant or Defendants ſhall have Treble Coſts awarded, to be paid by the " reſpective Plaintiff or Plaintiffs in ſuch Suit or Action; any Law, Statute, or " Proviſion, to the contrary notwithſtanding."

Beſides the Proviſions made in the before-mentioned Acts for empowering the Company and their ſeveral Preſidents and Council, to ſend home unlicenſed Britiſh Subjects, or thoſe upon Licences which have expired, or who may have been diſmiſſed from or reſigned the Service of the Company, the Statute of the 13th of G. 3. c. 63. enacts,

Sect. XXIV. " That from and after the 1ſt Day of Auguſt One thouſand ſeven " hundred and ſeventy-four, no Perſon holding or exerciſing any Civil or Military " Office under the Crown, or the ſaid United Company in the Eaſt Indies, ſhall " accept, receive or take, directly or indirectly, by himſelf or any other Perſon

" or Perſons on his Behalf, or for his Uſe or Benefit, of and from any of the Indian " Princes or Powers, or their Miniſters or Agents, (or any of the Natives of Aſia) " any Preſent, Gift, Donation, Gratuity, or Reward, pecuniary or otherwiſe, upon " any Account or any Pretence whatſoever, or any Promiſe or Engagement for any " Preſent, Gift, Donation, Gratuity, or Reward; and if any Perſon holding or " exerciſing any ſuch Civil or Military Office ſhall be guilty of any ſuch Offence, " and ſhall be there legally convicted in ſuch Supreme Court at Calcutta, or in the " Mayor's Court in any other of the ſaid United Company's Settlements where ſuch " Offence ſhall have been committed, every ſuch Perſon ſo convicted ſhall forfeit " Double the Value of ſuch Preſent, Gift, Donation, Gratuity, or Reward ſo taken " and received, One Moiety of which Forfeiture ſhall be to the ſaid United Com- " pany, and the other Moiety to him or them who ſhall inform or proſecute for the " ſame; and alſo ſhall and may be ſent to England by the Order of the Governor " and Council of the Preſidency or Settlement where the Offender ſhall be con- " victed, unleſs ſuch Perſon ſo convicted ſhall give ſufficient Security to remove " him or themſelves within Twelve Months after ſuch Conviction."

Sect. XXVII. " That from and after the Firſt Day of Auguſt One thouſand " ſeven hundred and ſeventy-four, it ſhall not be lawful for any Collector, Su- " perviſor, or any other of His Majeſty's Subjects employed or concerned in the " Collection of the Revenues or the Adminiſtration of Juſtice, in the Provinces " of Bengal, Bahar, or Oriſſa, or their Agents or Servants, or any Perſon or " Perſons in Truſt for them, to buy any Goods, Wares, Merchandize, or other " Commodities whatever, by way of Traffick or Trade, at any Place within the " Province of Bengal, Bahar, and Oriſſa, and to ſell the ſame again, or any Part " thereof, at the Place where he bought the ſame, or at any other Place within " the ſaid Provinces reſpectively; and it ſhall not be lawful for any of His " Majeſty's Subjects in the ſaid Provinces to engage, intermeddle, or be any way " concerned, directly or indirectly, in the Inland Trade in Salt, Beetle-nut, " Tobacco, or Rice, except on the Account of the ſaid United Company, on " Pain of forfeiting all ſuch Goods or Commodities which he ſhall ſo buy and " ſell again by way of Traffick, or in which he ſhall ſo trade, and alſo Treble " the Value thereof; One Moiety to the ſaid United Company, and the other " Moiety to him or them who will ſue for the ſame in the ſaid Supreme Court; " and every ſuch Perſon on Conviction ſhall moreover be liable to be ſent to " England by ſuch Orders as aforeſaid, unleſs he or they ſhall give ſufficient " Security to remove him or themſelves within Twelve Months after ſuch " Conviction."

Sect. XXXII. " That from and after the ſaid Firſt Day of Auguſt One thou- " ſand ſeven hundred and ſeventy-four, if any of His Majeſty's Subjects in India, " employed by or in the actual Service of the ſaid United Company, ſhall be " charged with and proſecuted for any Breach of Public Truſt, or for Em- " bezzlement of Public Money or Stores, or for defrauding the ſaid United " Company, ſuch Offender being convicted thereof in the ſaid Supreme Court " of Judicature, or in any Court of Judicature, in any other Proceeding or Set- " tlement in India, may be fined and impriſoned, and adjudged to be for ever " after incapable of ſerving the ſaid United Company, at the Diſcretion of the " Court before which he ſhall be tried, and immediately after the Sentence of " ſuch Court ſhall have been executed and inflicted, ſhall and may be ſent over " to England by ſuch Order and in ſuch Manner as is herein-before mentioned " and directed, unleſs he ſhall remove himſelf within Twelve Months, and in the " mean Time give ſufficient Security ſo to do."

Upon a Review of all the preceding Acts of Parliament, it appears that the Britiſh Subjects liable to be ſeized and ſent to Europe may be ranged in Three Claſſes, each of which are to be or may be differently dealt with. The Firſt includes all Perſons who never have been licenſed by the Company, nor employed in His Majeſty's or the Company's Service in the Eaſt Indies. The Second, all Perſons who have reſigned or been diſmiſſed from the Service of the Company, or whoſe Licences have expired. The Third comprehends thoſe Perſons only who have been convicted of any of the Offences deſcribed or mentioned in the 24th, 27th, and 32d Sections of 13 Geo. 3. c. 63. herein-before recited.

The

The Power, however, of arreſting, ſeizing, and ſending Home any Perſons whatſoever reſident in the Eaſt Indies, whether with or without a Licence, who ſhall not have Notice given them by Order or Authority of the Court of Directors, or by the Governor General and Council, &c. before the paſſing of the Act of the 26th G. 3. c. 57. to remove or withdraw themſelves from the ſaid Parts or Limits, is by that Act ſuſpended and reſtrained until the Firſt Day of January 1788; but after that Period the Governor General in Council may order any unlicenſed Perſons reſiding within the Limits of this Government to be arreſted and ſent Home to England. Nor do I apprehend that any Notice whatever is by Law requiſite to be given to Perſons who never have been in the Service of the Company in the Eaſt Indies, nor ever were licenſed by them to reſide within the Limits of their excluſive Trade; but that ſuch Perſons may be legally ſeized and arreſted by the Order of the Governor General in Council in the Firſt Inſtance. How far and in what Caſes it may be fit or expedient to exerciſe that Power in its utmoſt Rigour, it is not my Province to conſider. Your Lordſhips Wiſdom and Humanity will ever dictate to you the fitteſt Steps that can be taken to ſecure and guard the Rights of the Company with the leaſt poſſible Severity or Injury to Individuals.

But with reſpect to Perſons who ſhall have ceaſed to be employed in the Service of the Company, or whoſe Licences ſhall have expired, it is neceſſary that Notice ſhould be given to them to depart by a certain Period, as it is only in caſe of their being found within the Limits of the Company's excluſive Trade *after ſuch Time as ſhall be allowed by the Governor and Council of the reſpective Preſidencies in India, wherein ſuch Perſon or Perſons ſhall be found*, that they are to be deemed and taken to be ſubject to all the Proviſions, Regulations, Penalties, and Forfeitures aforeſaid. But as no Time is preſcribed by the Act which Perſons, who ſhall have ceaſed to be employed in the Service of the Company, or whoſe Licences ſhall have expired, ſhall be allowed for their Departure, the fixing that Time muſt in every Caſe be in the Diſcretion of the ſeveral Governors and Councils of the reſpective Preſidencies.

With reſpect to the Third Claſs, the ſame Law which ſubjects them to be ſent Home allows them Twelve Months after Conviction to remove themſelves to England, provided they give ſufficient Security that they will remove themſelves in that Period; but unleſs they give ſuch ſufficient Security, they are liable immediately after Conviction to be ſent to England by the Order of the Governor General in Council.

In all the foregoing Caſes, if it ſhould be neceſſary to arreſt and ſeize any Perſon, in order to his being ſent to England, and no Ship ſhould happen to be on the Point of Diſpatch at the Time of ſuch Arreſt, I ſhould think it would be better to accept Security from the Party ſo arreſted, that he will remove himſelf by the Conveyance deſtined for him, or by a given Time, if he can give a ſufficient Security for the Purpoſe, and is willing ſo to do, than to keep him in a State of Confinement until he can be ſhipped. But in Caſes where the Party cannot give ſuch Security, or where for other Reaſons it may be thought neceſſary to keep him in Priſon until he can be embarked, I apprehend that the Governor General in Council may order him to be kept confined in his own Houſe, or in Fort William, or in any fit and wholeſome Place of ſafe Cuſtody which, by the Order of Council, may be appointed for him; but I do not conceive it can be neceſſary to commit any Perſon to the Common Jail, who may be arreſted merely for the Purpoſe of being ſent Home, though that would certainly be the proper Place of Confinement for Perſons whom it was intended to try before the Supreme Court for having come to the Eaſt Indies, or having reſided there without the Company's Licence; which Offence, as well as all other Offences againſt the before-recited Laws, is, by the 26th of G. 3. c. 27. made triable before that Court.

I have the Honour to incloſe herewith Two different Forms of Notice, to be uſed with Perſons of the ſeveral Claſſes before deſcribed, and a Form of a Warrant or Order for arreſting unlicenſed Perſons, or thoſe whoſe Licences have expired, and who, having rendered due Notice, have neglected to remove themſelves out of theſe Provinces.

I have, &c.

Fort William,
27th July 1787.

(Signed) J. H. Davies,
Advocate Gen.

FORM of a Notice to be given to Perſons whoſe Licences have expired, or who have reſigned or been diſmiſſed from the Service of the United Company.

To A. B.

Sir,

The Time for which you was licenſed to remain in the Eaſt Indies being expired (or you having reſigned or having been diſmiſſed from the Service of the Eaſt India Company), I am directed by the Right Honourable the Governor General in Council to inform you, and you are hereby required to take Notice, that the Honourable the Governor General in Council has been pleaſed to allow you Time, until the Day of next, to prepare for your Departure for England, after which Period you will not be allowed to remain within the Limits of the Company's excluſive Trade.

By Order of the Right Honourable the Governor General in Council.

(Signed) C. D.
Secretary.

Fort William,
Dated 178 .

N. B. This Form, *mutatis mutandis*, will do.

FORM of Notice to be given to Perſons convicted of Offences under the Statute 13th of G. 3.

To A. B.

Take Notice, That you are required, on or before the Day of next, to give ſufficient Security, to the Satisfaction of the Right Honourable the Governor General in Council, that you will, within Twelve Months from the Day of laſt (being the Day of your Conviction of ſuch an Offence) remove yourſelf from the Preſidency of Fort William, and proceed with all convenient Speed to depart beyond the Limits of the Company's excluſive Trade.

By Order of the Right Honourable the Governor General in Council,

(Signed) C. D.
Secretary.

Fort William,
Dated 178 .

FORM of a Warrant or Order for arreſting Britiſh Subjects, reſiding in theſe Provinces without the Licence of the Eaſt India Company.

To A. B. &c.

Sir,

C. D., Britiſh Subject, licenſed by the Eaſt India Company to reſide in the Eaſt Indies, or (as the Caſe may be) heretofore licenſed by the Eaſt India Company, but whoſe Licence has expired, and who having received due Notice to remove himſelf out of theſe Provinces by the day of laſt paſt, has neglected ſo to do, being now reſident at in the Province of I am directed by the Governor General in Council to order and command you to arreſt and ſecure the Perſon of the ſaid C. D. and him ſafely to deliver into the Charge of at in order that he may be there detained in ſafe Cuſtody, until ſuch Time as he can be put on board ſome one of the Honourable Company's Ships bound for Europe, or until he ſhall give ſatisfactory Security for tranſporting himſelf beyond the Limits of the Company's Charter, with all convenient Speed; and for ſo doing this will be your Warrant.

By Order of the Governor General in Council,

(Signed) E. H.
Secretary, &c.

Fort William,
Dated

Ordered,

Ordered, That a Copy of the Advocate General's Letter, and its Inclofures, be forwarded to the Court of Directors by the Britannia, and that the Opinion fuggefted in it be noticed in the general Letter, as the Ground upon which the Governor General in Council means to proceed with regard to the different Claffes of European Britifh Subjects in thefe Provinces.

Ordered alfo, That the Advocate General's Opinion be entered in a feparate Book, to be ready for immediate Reference.

Extract of Public Letter from Bengal, dated 29th January 1788.

Para. 23. We forward to you a Number in the Packet, Copy of a Letter from the Advocate General, containing a connected Summary of the various Laws which have been enacted for reftraining Britifh Subjects not in His Majefty's or the Company's Service, nor licenfed by the Company, from refiding within the Limits of the Company's Charter, with his Opinion as to the Mode of legally and effectually exercifing the Power veffed in Government, for compelling thofe who are not deemed fit Objects to remain in India to return to Great Britain.

24. We beg Leave to tranfmit this Opinion to you, as it contains the Grounds upon which we fhall hereafter think it neceffary to proceed, with regard to the different Claffes of European Britifh Subjects in thefe Provinces.

Extract of Public Letter to Bengal, dated 8th April 1789.

Letter from, dated 29th January 1788 (23, 24) Laws refpecting unlicenfed Perfons. — Para. 54. Will be replied to hereafter.

EXTRACT BENGAL PUBLIC CONSULTATIONS,
25th June 1788.

The following Draft, or General Inftructions, to the Commanders of the Company's Ships, are fubmitted for Approval, after having been altered, fo as to be made conformable to the Company's Orders, per Ranger:

Captain , commanding the Honourable Company's Ship .

Sir,

We have received the Packets (Boxes) for this Government, which were committed to your Charge by the Honourable Court of Directors, and fhall now proceed to furnifh you with Inftructions for your Guidance whilft you remain in this River, or during the Time that you are fubject to our Orders.

That we may be perfectly apprized of the State of the Ship under your Command, with refpect to the Officers and Crew, and that we may be enabled to afcertain with Accuracy the Number and Defcription of Europeans that come to India, whether licenfed by the Honourable Company or otherwife, we require you, as foon as your Ship has come to her Moorings, to prepare and tranfmit to us a complete Lift of the Paffengers and Crew, (atteffed by your fworn Officers) fpecifying each Perfon of the latter Defcription who comes out, and will continue the Voyage with you, with an Account of the Cafualties that happened in the courfe of it, and each Paffenger, either for our Prefidency or any other, ftating fuch as may have been left at any Port where the Ship may have touched.

You will alfo forward to us, monthly, during your Stay here, Lifts or Returns of your Ship's Company and Accounts of Cafualties, and a Journal of your Proceedings on board, and on your Difpatch for Europe you will furnifh us with a complete Lift of the Perfons proceeding to Europe with you, comprehending your Ship's Company, Paffengers, and their Servants.

Many Inconveniences, and great Loffes having been fuftained by the Company in confequence of the great Encouragement which has been heretofore given to

Deſerters, we poſitively forbid you to entertain or permit to be received on board your Ship, any European, either in the Capacity of Seaman or otherwiſe, until he ſhall have been examined by the Town Major, and it ſhall have been certified by him that ſuch European doth not belong to the Company's Service.

From the Period of your Arrival at Diamond Point you will conſider yourſelf under the Orders of our Board of Trade, in all Matters which reſpect the unloading and loading of your Ship, and will accordingly pay implicit Obedience to ſuch Directions as you ſhall from Time to Time be furniſhed with from that Board or the Public Officers acting under its Authority.

The Manifeſt of Private Trade, which made a Part of the Honourable Company's Diſpatches, has been forwarded to Mr. Macau, our Cuſtom Maſter; under his Inſpection or his Deputy's you will cauſe all Articles of this Deſcription to be landed at the Cuſtom-Houſe Gaut, but no where elſe; and you will attend to ſuch Requiſitions as he ſhall make to you regarding the Payment of eſtabliſhed Duties according to exiſting Regulations.

We deſire that you will tranſmit to us, in order to their being forwarded to the Honourable Court of Directors, Copies of all Charts and Plans in your Poſſeſſion, and Extracts of Journals containing any Circumſtances concerning the Navigation of the Indian Seas, that are not generally known, and that you will endeavour to collect, during your Stay here, ſuch Plans and Charts as you may deem of public Utility, and tending to the Improvement of Navigation; theſe are to be delivered to us previous to your Departure for Europe, or to be conveyed to the Court of Directors by yourſelf.

Many Difficulties having of late Years been experienced from the Want of a fixed Regulation for diſpatching the Honourable Company's Ships homeward-bound, we have determined and ſhall invariably adhere to the following Rule; that the Diſpatch of each Ship for Europe ſhall be regulated conformably to the Commencement of her Demurrage, which is calculated according to the Terms of Charter-party, to begin from Four Months after the Arrival of any Ship at the firſt deſtined Port in India.

The Exportation of Gold and Silver Specie from Bengal having greatly prejudiced the Public Revenue, we have reſolved to prevent it in future, and have accordingly ordered our Secretary not to regiſter any, or to grant Orders for the Receipt of either on board the Company's Ships, or thoſe of Private Merchants trading to any Ports of India; and we poſitively and ſtrictly enjoin you not to receive or permit any Gold or Silver to be received on board the Ship under your Command, unleſs it be in ſmall Sums required for occaſional Diſburſements on the Voyage, for which an eſpecial Paſs ſhall be granted on particular Application in Writing to that Effect.

You will acknowledge the Receipt of theſe Orders, and of whatever Orders or Regulations we may have Occaſion to communicate to you during your Continuance in Bengal.

We are, &c.

Fort William,
25th June 1788.

Approved the above Orders to the Commanders of the Company's Ships. The following Draft of Inſtructions to the Maſter Attendant upon the Diſpatch of the Company's Ships to Europe, corrected ſo as to conform to the Orders received per Ranger, being approved, is now entered.

Mr. Cudbert Thornhill, Maſter Attendant.

Sir,

The Diſpatch of the Honourable Company's Ship being put under the Direction of Mr. you are to accompany him to Culpee for that Purpoſe, and obſerve the following Directions:

Upon your Arrival on board, you are to ſee the Ship's Company muſtered before you, and to take a Survey of the Guns, Ammunition, &c. and if ſhe has not her Charter-

Charter-party Number of each, you muſt proteſt againſt the Commander; that is to ſay,

99 Men and a Boy;
26 Guns;
35 Barrels of Powder;
30 Round of Shot, with Ammunition;
Arms in proportion.

You are, conjointly with Mr. , to take an exact Account of the Quantity of Powder which is on board for the Ship's Uſe; and if there ſhould be leſs than 35 Barrels in the Magazine, you are, jointly with Mr. , to proteſt againſt the Captain for any Damage or Loſs which may accrue to the ſaid Ship and Cargo, from ſuch a Breach of the Terms of Charter-party; one Copy of which, properly ſigned, ſealed, and atteſted, you are to incloſe under Cover to the Secretary at the India Houſe; and another you are to deliver to the Board, on your Return to the Preſidency.

You are likewiſe to make a Survey of the Ship's Draught of Water; and in caſe ſhe draws above 20 Feet 6 Inches upon an even Keel, you are hereby directed to take out as much Private Trade as will bring the Ship to that Draught; but if that cannot be done without detaining her too long, you muſt proteſt againſt the Commander.

In caſe the Ship appears lumbered, and not in a Condition to make a good Defence againſt an Enemy, you are to proteſt againſt the Captain for all bad Conſequences.

Of the Tranſactions you will furniſh Mr. with the Particulars, who will then deliver to the Captain his final Diſpatch.

You are alſo carefully to muſter every Paſſenger of every Denomination on board the Ship, and to require the Commander to produce to you an Order for their proceeding to Europe; and if it ſhall appear to you that there is any Paſſenger on board without our Authority, or any Perſon muſtered on the Ship's Books whom you have Reaſon to ſuppoſe is not actually one of the Ship's Company, but adopts that Method of returning to England, with an Intention of evading the Company's Orders reſpecting unlicenſed Perſons, in either Caſe you are to notice, in the Liſt of Paſſengers, (which you will deliver to Mr. to be forwarded to the Secretary at the India Houſe), the Names of ſuch Paſſengers whom you ſhall diſcover on board without proper Orders for proceeding to Europe.

We are, &c.

Read again the 184th, 185th, 186th, and 187th Paragraphs of the Company's General Letter, dated 31ſt July 1787.

The Secretary begs Leave to record the following Letter from Meſſrs. Price and Thornhill, whom he was directed to conſult on the Subject of theſe Orders from the Court of Directors:

Edward Hay Eſquire,
Secretary to Government.

Sir,

We have received and conſidered the Contents of your Official Letter addreſſed to us on the 8th Inſtant, as well as the Intentions of the Honourable Company, expreſſed in the Four ſeveral Paragraphs, Nos. 184, 185, 186, and 187, extracted from the General Letter of the 31ſt July 1787, and forwarded to us in that Letter, with the Orders of the Right Honourable the Governor General in Council thereon, and give it as our Opinion, that the beſt Mode which can be adopted in future to carry into Execution the Intentions of the firſt, and the Orders of the laſt, will be for them to authorize the Maſter Attendant to ſend on board of every one of the Pilot Veſſels going out to cruize in Balaſore Road, Letters ready printed, made up and addreſſed in the Form and Manner No 1.

The Orders to the Pilot ſhould be entered in the Order Book of the Maſter Attendant's Office, and couched in the following Manner, ſet forth in Paper No. 2.

From

From ſuch Returns and Liſts of the Paſſengers authorized to come from Europe, on the Company's Ships being ſent from the Secretary to the Maſter Attendant's Office, ſome tolerable and accurate Account might be formed of all Perſons who may import into this River on the Europe Ships not authorized ſo to do by the Company; but until ſome ſuch Regulation has been adopted at the other Preſidencies, and all Maſters and Owners of Country Veſſels ſhall be compelled to account for the Europeans they bring into and take away from every Engliſh Settlement in India, including China, Interlopers will find their Way into Bengal, and Deſerters the Way out of it.

We remain, &c.

Fort William,
14th April 1788.

(Signed) J. PRICE.
CUDBERT THORNHILL.

No. 1. To Captain of the Ship

Sir,

I am directed by the Right Honourable the Governor General in Council, to furniſh all the Honourable Company's Pilots with blank Letters of this Sort, one of which is to be preſented to the Maſter or Commander of every Ship or Veſſel who may be in want of a Pilot to conduct his Ship or Veſſel into the River of Bengal; and I am further directed to inform the ſaid Maſter or Commander of every ſuch Ship or Veſſel, that he is hereby ordered to tranſmit to the Maſter Attendant, by the firſt Opportunity after the Pilot comes on board to take Charge of his Ship or Veſſel, a correct Liſt of all the Europeans at that Time on board the Veſſel, whether borne on the Ship's Books or Paſſengers; if the latter, then an Account of what Port in Europe or in India they came on board will be expected. The Names may be entered in the Margin of this Letter, or encloſed in it on a ſeparate Paper, but until ſuch Liſt is received at the Maſter Attendant's Office, ſigned by the Captain or Commanding Officer of the Ship when the Pilot firſt took Charge, no Part of the Cargo of the Ship or Paſſengers Baggage will be permitted to be landed.

By Order of the Right Honourable
the Governor General in Council.

No. 2. To Mr. Pilot, and in Command of the Honourable Company's Schooner or Pilot Veſſel.

Sir,

With this you have delivered to you blank Letters, directed to Cudbert Thornhill Eſq. Maſter Attendant, without, but addreſſed on the Inſide to the Maſter or Commander of any Engliſh or other Veſſel which may apply to you for a Pilot to conduct his Ship or Veſſel into the River of Bengal, One Copy of which you will deliver yourſelf, or cauſe to be delivered by the Officer whom you may ſend to conduct the Veſſel into the River, to the Commanding Officer on board, deſiring him to comply with the Contents, fill up the Blanks, and forward the Letter as directed by the firſt Chokey Boat or other ſafe Conveyance which may come on board.

The Perſon who may bring a Veſſel into the River from which no ſuch Letter ſhall be received in due Time at the Bankſhall, will not be permitted to act or have his Pilotage till ſigned, until he explains in a Manner ſatisfactory to the Maſter Attendant how it came to paſs that no ſuch Letter was ſent up in the Chokey Boat.

I am, &c.

Reſolved that the following Advertiſement be publiſhed in the Gazette.

The Governor General in Council having thought fit to paſs ſome Orders for better aſcertaining the Number and Deſcription of Britiſh Subjects who come to Bengal, whether with or without Licence granted by proper Authority, his Lordſhip has been pleaſed to direct that they ſhould be communicated to the Public in the following Notice.

That

That the Maſter Attendant will furniſh all Pilots or Maſters in charge of the Pilot Veſſels cruizing or ordered to cruize in Balaſore Roads, with printed blank Letters addreſſed according to No. I. hereunto annexed, to the Commander of any Ship or Veſſel under Engliſh Colours, that may require to be piloted into this River, and with the Orders contained in No. II. which are alſo annexed to this Advertiſement.

That a Book will be kept in the Maſter Attendant's Office for the Regiſtry of all Liſts of Europeans directed to be forwarded to him, and that Copies of the Liſts will be laid before Government as they are received.

That the Cuſtom Maſter will refuſe Permiſſion to the landing of any Cargo from any Ships or Veſſels, the Commanders of which are required to furniſh ſuch Liſts, until he receives a Copy of them from the Maſter Attendant, and that he will refuſe Permiſſion to the Landing of any Cargo belonging to the Captains or Officers of ſuch Ships or Veſſels, or of any Baggage belonging to Paſſengers that have come in them, except the Cargo or Baggage of Perſons named in thoſe Liſts.

Public Notice is alſo given that the Governor General in Council, with a View to the Good of the Police of this Town, and to prevent as much as poſſible in future any Riots and Diſorders which might ariſe as heretofore from the Irregularities of Sailors belonging to the Ships importing into this River, and from vagrant Europeans who ſtay in the Country without any Licence or Permiſſion whatever, is pleaſed to reſolve:

That all Commanders of Ships, Five Days before clearing out at the Cuſtom Houſe, ſhall deliver in at the Police Office a Liſt of the European Seamen they carry away with them; and if on comparing the Liſt given on the Arrival of the Ship with that given on its Departure, the latter ſhall be found deficient of the original Complement, the Commanders ſhall deliver at the Police Office an Account to the beſt of their Knowledge of what is become of the Seamen deficient; which Account, before the ſame ſhall be delivered, ſhall be verified by an Oath taken before One of His Majeſty's Juſtices of the Peace of the Town of Calcutta.

That it be notified here and in Europe, that if any Commanders of Ships under any Flag whatſoever, ſhall give a Paſſage to any Britiſh Subject not in the Company's Service, and not regularly licenſed to continue here, either as Paſſengers or as Seamen on board the ſaid Ships, they ſhall be obliged to take back ſuch Perſons on their being ſent on board by an Order of Council, and ſhall ſign an Agreement, with a ſufficient Penalty to this Effect before their Goods ſhall be permitted to be landed, and a Certificate from the Secretary ſhall be ſhewn to the Cuſtom Maſter of their Attention to it, in any Caſes that may have occurred, before they ſhall obtain a Port Clearance.

That all Commanders of Ships ſhall, on their firſt Arrival, and at the ſame Time that they deliver in a Liſt of their Crews, enter into Bond not to ſuffer any of their Crews to come on Shore with Daggers, Knives, Dirks, Bludgeons, or other offenſive Weapons, at any Time of the Day or Night.

Publiſhed by Order of the Governor General in Council.

To Captain of the Ship . No. I.

Sir,

In conſequence of Orders which I have received from the Governor General in Council, I have furniſhed the Commanders of all the Company's Pilot Veſſels with blank Letters, of which this is one, to be preſented to the Maſter or Commander of every Ship or Veſſel under Engliſh Colours, that may want a Pilot to conduct it into the Bengal River.

You are hereby required to deliver to the Pilot when he goes on board, a correct Liſt of all Europeans in your Ship or Veſſel, whether they be Paſſengers or borne on its Books. If they are Paſſengers you will note from what Port in Europe or in India they have reſpectively come, and if thoſe Paſſengers are Britiſh Subjects, or Perſons intending to reſide under the Britiſh Flag, you will acquaint them that on their Arrival in Calcutta, they are to repair immediately to the Maſter Attendant, that their Names may be regiſtered in a Book kept for that

Purpoſe; and you will acquaint them, that if they fail in attending duly to this Requiſition, and have not Leave given by proper Authority in England, to proceed to and remain in Bengal, they will be ordered back to the Place from whence they came, and refuſed Permiſſion to remain in this Country.

The Names of the Paſſengers or Europeans borne in your Books may be entered in the Margin of this Letter, or written on a ſeparate Paper encloſed in it; but in either Caſe the Liſt muſt be delivered to the Pilot, who will forward it to Calcutta; and until this Liſt is received under your Signature, or that of the Officer commanding on board when the Pilot takes charge, no Part of the Cargo of your Ships or Veſſels, or of the Baggage of your Paſſengers, will be permitted to be landed. I am, Sir,

Your moſt obedient Servant,

(Signed)

Maſter Attendant.

No. II. To Mr. Pilot and in Command of the Honourable Company's Schooner or Pilot Veſſel .

Sir,

I tranſmit to you, with this, blank Letters directed on the Outſide to the Maſter or Commander of any Ship or Veſſel under Engliſh Colours which is to be piloted by your Sloop or Schooner into the Bengal River. You will deliver one of theſe Letters yourſelf to the Commanding Officer on board, or you will cauſe it to be delivered by the Officer you may ſend to bring the Veſſel in, and the Commanding Officer you ſend to comply with the Contents of the Letter after the Blank in the Direction has been filled with the Name of ſuch Commanding Officer and the Name of ſuch Ship or Veſſel. Having received the Liſt of Paſſengers and Europeans on board, as required by the Letter, you will tranſmit it to the Maſter Attendant by the Chokey Boat.

If you fail in due Obedience to theſe Orders, you will not be permitted to act longer as Pilot, nor will your Pilotage Bill be ſigned unleſs you ſhould explain to the Maſter Attendant ſatisfactorily, that the Omiſſion was not owing to any Fault in you. If the Commanding Officer ſhould refuſe to ſign the Liſt, you will ſend written or verbal Notice thereof to the Maſter Attendant by the earlieſt Opportunity. I am, Sir,

Your moſt obedient Servant,

(Signed)

Maſter Attendant.

EXTRACT BENGAL PUBLIC CONSULTATIONS,

28th June 1788.

Read a Letter from the Commander of the Kent.

No. XII. My Lord,

I take the earlieſt Opportunity of informing your Lordſhip, that being in want of People in the Downs, I ſhipped a Man there who called himſelf a Seaman, and had the Appearance of one, but who was diſcovered ſoon after our ſailing to be Mr. Lee Lewis, Comedian.

I am, with great Reſpect, &c.

Kent Indiaman, Balaſore Road, the 18th July 1788. (Signed) Richd Hardinge.

As Mr. Lee Lewis has come to Bengal without the Licence of the Company, and their Orders require that Perſons under that Deſcription ſhoul l return to England, the Secretary is directed to acquaint Mr. Lewis, that he muſt engage to go back in the Ship in which he came, and promiſe not to reſort to a Foreign Settlement, or evade Compliance with this Order by any other Means. Captain Hardinge is likewiſe to be acquainted, that he is required to take back Mr. Lee Lewis in the Kent.

Extract

Extract of Public Letter from Bengal, dated 6th November 1788.

Para. 299. Mr. Lee Lewis the Comedian having entered himſelf on board the Kent in the Downs, under the Appearance and in the Capacity of a Seaman, Captain Hardinge on his Arrival in Bengal reported the Circumſtance to us, we deemed it neceſſary, in compliance with your Orders, in reſpect to unlicenſed Perſons, to exact an Engagement from Mr. Lewis, that he would return to Europe with Captain Hardinge, and from the latter that he would take him back in his Ship. Our Requiſitions were immediately aſſented to on the part of both.

(Separate.)

To the Honourable the Court of Directors for Affairs of the Honourable United Company of Merchants of England trading to the Eaſt Indies, at their Houſe in Leadenhall Street, London.

Honourable Sirs,

Para. 1. The many Evils and Abuſes exiſting in the Town of Calcutta, for which no ſuitable Remedy can be provided under the Powers which this Government, either ſolely or in conjunction with the Supreme Court of Judicature, poſſeſſes, requiring the Interpoſition of the Britiſh Legiſlature, we are induced to ſolicit your Application to His Majeſty's Miniſters and to the Parliament, for the Purpoſe of obtaining a Delegation of more ample Powers to enable us, with the Concurrence and Approbation of the Supreme Court of Judicature, to reform the exiſting Evils, and to make Laws and Ordinances for their Prevention and Suppreſſion in future.

2. It is proper to inform you, that as a preliminary Step to this Application, we have held ſeveral Conferences with His Majeſty's Judges, whoſe Advice and Aſſiſtance we have availed ourſelves of, with reſpect both to the Application generally, and to the Terms in which it is now made.

3. The very populous State of Calcutta, the Capital of your Poſſeſſions in Bengal, is well known to you. The Inhabitants conſiſt of a Variety of Sects and Countries, comprizing Natives of every Part of Europe, Portugueze Chriſtians born in Aſia, Armenians, Greeks, Parſees, Mahomedans, and Hindoos, and at particular Seaſons the Number is greatly increaſed by the Arrival of Veſſels belonging to Foreign States, or Individuals of Europe, Aſia, and America.

4. At preſent there is no legal Police for this Town: the Functions of that Office are diſcharged by Two Perſons under the Title of Superintendants of the Police; and the abſolute Neceſſity of an Eſtabliſhment of this Nature has compelled us to continue it; but the Officers acting without any legal Sanction or Authority, are not only amenable to the Supreme Court of Judicature, but puniſhable by it for every Exerciſe of Power, however juſt and proper in itſelf, and however eſſential to the Safety of the Inhabitants and Security of their Property.

5. The original Eſtabliſhment of this Court may be traced to the old Juriſdiction of the Zemindarry Cutcherry, which exerciſed a Power of hearing and deciding ſummarily Cauſes both of a Civil and Criminal Nature; theſe Functions are now, under certain Limitations, exerciſed by the Officers of the Police, in a Mode not conſonant to the Laws of England, and only juſtifiable upon the Principles of abſolute Neceſſity.

6. This Neceſſity ariſes from Two Cauſes:

7. Firſt, From the ſmall Number of Magiſtrates who under the preſent Laws are able to exerciſe a Legal Authority in Calcutta, and are on this Account inadequate to hearing and deciding the numerous Complaints which daily call for their Interpoſition.

8. There is but one Court of Criminal Juriſdiction in Calcutta which exerciſes its Functions, and that only at two Seaſons of the Year. It is true, that the Governor General and Members of the Supreme Council are empowered to hold Quarterly Seſſions, but the Variety of their important Occupations not only precludes the Exerciſe of this Power, but renders it impoſſible for them to diſcharge their Functions of Juſtices of the Peace: this Duty is therefore ſolely performed by

His

His Majeſty's Judges, and is an Encroachment upon their Time, and an Accumulation of Labour to their Duties in the Supreme Court of Judicature, from which they ought in Reaſon to be exempted, whilſt, after all, the Power of a Juſtice of the Peace ſolely is inadequate to the Correction of Evils exiſting.

9. Secondly, The Incompetency of the Court of Requeſts to diſcharge the Duties required of it.

10. This Incompetency ariſes from the following Circumſtances:

11. The Limitation which reſtricts the Cognizance of Cauſes in this Court to Suits only for a Sum not exceeding 40*s.* or 20 Rupees;

12. And the Imperfection of the Inſtitution. The Members compoſing this Court are ſelected from the junior Servants of the Company, moſt of whom hold other Offices, and, receiving no Pay or Salary for their Trouble and Attendance, have little Inducement to undertake the laborious Duties of this Court, or to diſcharge them with the Aſſiduity required. In fact, we may affirm, without any Reflection upon the Members now compoſing it, that the Inſtitution has never been treated as either ſerious or important.

13. An Attention to the Evils which we have ſtated, ſuggeſts an obvious and natural Remedy, perfectly conſonant with the Laws and Conſtitution of England; the Increaſe of the Number of Magiſtrates on one Hand, and the Extenſion and Emendation of the Inſtitution of the Court of Requeſts on the other. If the former be adopted, Courts of Criminal Juriſdiction may be oftener held, and the Interpoſition of the legal Powers of a Juſtice of the Peace may take place daily and regularly, to the Advantage of the Community in general. If the latter be complied with, and competent Salaries be allowed to the Members of the Court of Requeſts, the Inhabitants in general will have eaſy Acceſs to Juſtice in Cauſes of trifling Value, without being burthened with the Expence of Suits in the Supreme Court of Judicature; and theſe Two Points being eſtabliſhed, the Police of the Town will be gradually and ſenſibly improved.

14. The Sum to which we would propoſe to limit the Power of diſtributing Juſtice in the Court of Requeſts is 100 Sicca Rupees, and perhaps the Legiſlature might not think it proper to entruſt the Deciſion of Queſtions reſpecting greater Demands to Perſons whoſe Services can be obtained in this Country for moderate Salaries; yet we think it is to be wiſhed, that Cauſes of ſmall Value, though exceeding the Sum we have mentioned, could be tried with leſs Trouble and Expence to the Parties than muſt be incurred by a Suit at Law in the ordinary Forms; and the Judges of the Supreme Court, concurring with us in this Opinion, have declared their Readineſs to eſtabliſh, if they ſhall be thereto empowered by Parliament, a ſummary Mode of Trial for Debts, and ſome Species of Contracts and Civil Injuries, where the Demand does not exceed 300 Sicca Rupees, nearly ſimilar to what is called Trial by Civil Bill by the Juſtices of Aſſize in Ireland. It is propoſed that ſuch Cauſes be tried and determined by One of the Judges of the Supreme Court, each of whom ſhall in his Turn, according to ſuch Rotation, on ſuch Days and at ſuch Seaſons as ſhall from Time to Time be ſettled by Order of the Supreme Court, hold a Court for the Trial of Actions by Civil Bill. As the Supreme Court of Judicature now ſits during the greateſt Part of the Year, it may probably be found convenient that the Court for Trial by Civil Bill ſhould be ſometimes held when the Supreme Court is alſo ſitting: but when the Preſence of all the Judges is not thought neceſſary, it will therefore be proper to declare, that it ſhall be lawful for the Judge whoſe Turn it ſhall be, to hear and determine Trials by Civil Bill, at any Time when he ſhall be required ſo to do by Order of the Supreme Court, although the ſaid Supreme Court ſhould at the ſame Time be ſitting.

15. The Powers given by the Statute of the 13th of G. III. c. 63. to the Governor General and Council of making Rules, Ordinances, and Regulations for the good Government of the Town of Calcutta, with the Concurrence of the Judges of the Supreme Court of Judicature, is inapplicable to the Propoſitions which we recommend; and we find an equal Difficulty in availing ourſelves of them to form any Bye-Law for the Regulation of the Police of the Town, under the reſtrictive Claule, that it ſhall not be repugnant to the Laws of the Realm. To give Efficacy to ſuch a Regulation under the Circumſtances ſtated, the Officer or Officers of the

the Police muſt be inveſted with a diſcretionary Power of ſummary Deciſion; ſuch a Power is repugnant to the Laws and to the Delegation of ſuch Power, unleſs by Authority of Parliament. Another Objection ariſes, that a Bye-Law propoſed on this Principle has once been rejected by His Majeſty. The Propoſals now offered are free from this Objection; and although Doubts ſhould be entertained of their Efficacy for the Purpoſes wanted, they have ſtill this obvious Advantage, that they propoſe the Eſtabliſhment of a legal Power where none already exiſts, and ſo far a conſiderable Advantage is gained.

16. With reſpect to Juſtices of Peace, we beg Leave to ſuggeſt that the Appointment of them ſhould reſt with the Governor General in Council, and our Intention is, that they ſhould be ſelected from the Servants of the Company and principal Inhabitants of Calcutta, of the moſt reſpectable Character for Abilities and Integrity. We conceive that many Objections occur to their Nomination in England. If they ſhould be ſent out with Appointments of Juſtices of the Peace, Salaries muſt be given to them; and if appointed in England from the Reſidents in India, an Objection ariſes from the Difficulty of forming at that Diſtance a true Judgement of the Character of Individuals in this Country, and their Competency for the Office of Juſtices. This muſt be beſt known to the Government here, who are alſo acquainted with the Buſineſs of the Britiſh Subjects reſiding in Calcutta. We are likewiſe of opinion, that the Appointments ſhould be annual only, for the Company's Servants in Calcutta are generally liable to a Change of Reſidence from their Nomination to diſtant Stations.

17. There is an Abuſe of ſo great Magnitude exiſting in and about this Preſidency, and ſo pernicious in its Conſequences to Society, and more particularly to the Diſcipline of your Army, that we deem it neceſſary to ſtate it for your more direct Information, that ſuch Authorities as we have now deſired, or ſome other expreſs Powers may be obtained for the Correction of it. The Evil we allude to is the great Number of Houſes in which Spirituous Liquors, and particularly that Species of it known by the Name of "Country Arrack," is retailed, to the Injury of the Morals and the Health of the People. By the Mahommedan and Hindoo Laws the Uſe of this Liquor is prohibited. It does not, however, appear that any Power of ſufficient Efficacy exiſts for the Suppreſſion of this Abuſe, for although the Judges of His Majeſty's Court would cheerfully join with us in paſſing a Bye Law for that Purpoſe, the Powers inſtituted by ſuch an Act of Authority would not prove ſufficient, and could go no farther than to authorize Proſecutions againſt the Venders of the Liquors, a Mode of Proceſs too tedious and expenſive for the Government, which in that Caſe muſt ſtand forth as Proſecutor, to undertake the Suits. Conſidering this Point as moſt eſſential to the due Regulation of the Police of the Natives, we are anxious to obtain Powers for regulating and licenſing Houſes, where Liquor ſhall be ſold in Retail, and for ſuppreſſing them by Authority, under Penalties to be levied by Diſtreſs and Sale. We conceive that no material Objection can ariſe to this Propoſition when the Circumſtances on which it is founded are conſidered; and this is one of the chief Objects we have in view in deſiring an Extenſion of our Power to make Bye-Laws.

18. The Neceſſity of appointing a Coroner for the Town of Calcutta and the Limits thereof, with ſuch legal and judicial Powers as are exerciſed by Coroners in the reſpective Counties in England, is alſo apparent; and it may be convenient to provide, that the Office of Coroner of Calcutta ſhall not be incompatible with that of a Juſtice of the Peace.

19. Another Point which we deem neceſſary to mention, relates to the Limits of Calcutta. There is great Difficulty in tracing the old Limits of the Town, and the Deſcription of them, as given by Individuals, or as aſcertained by the Records, is ſubject to Doubts which render the Limits uncertain. We think it would be adviſeable to fix the Boundaries anew, ſo as to comprehend a Number of new Edifices, which properly form a Part of the Town of Calcutta, but concerning which Doubts have of late Years been made, whether the Ground on which they ſtand be within the Limits of the Town, and the Juriſdiction of the Supreme Court or not.

20. We wiſh, therefore, that the Boundaries, as far as they can be clearly deſcribed by Metes and Marks now viſible, ſhould be aſcertained and declared

by Parliament; and that in one Place, where we think a ſmall Addition to the Extent of the Town neceſſary, in order to include the General Hoſpital, the Act of Parliament ſhould empower us, with the Approbation of the Supreme Court, to define and fix the Limits by ſuch viſible Metes and Bounds.

21. The Deſcription which we propoſe to you to have inſerted in the Act of Parliament is as follows;

22. That the Town of Calcutta be bounded on the North Side thereof by a Line commencing at a Point on the Weſt Side of the River Houghley, exactly oppoſite to the Mouth of the Brook called Chitpoor Nulla, or Bang Bazar Nulla; which Line being drawn acroſs the River from the aforeſaid Point to the Mouth of the ſaid Brook or Nulla, ſhall be continued to the Eaſtward along the North Side of the ſaid Nulla to the North End of the Bridge called Chitpoor Bridge, and ſo on Eaſtward along the ſaid Nulla and the Marhatta Entrenchment, till the ſaid Entrenchment turns towards the South.

23. That the Boundary of the ſaid Town, on the Eaſt Side thereof, be a Line which ſhall be drawn along the ſaid Marhatta Entrenchment, and the Road adjoining to the ſame, ſo far as the Remains of the ſaid Entrenchment are viſible by the Side of the ſaid Road leading towards the South, and which ſhall then be continued to the Southward along the ſaid Road, leading on the Weſt Side thereof, and thereby including within the Limits of Calcutta the Proteſtant Burying Ground, Chowringhee, and the Lands thereto belonging, as well as the Land formerly belonging to Henry Vanſittart Eſquire, Preſident of Fort William, and ſo ſtill continued to the Southward, until the ſaid Road turns towards the Weſt, leaving Areopokin on the South Eaſt, and begins to lead towards Chucker Burr.

24. That the Boundary of the ſaid Town, on the South Side thereof, be a Line drawn Weſtward along the ſaid laſt-mentioned Road, from the Place where it turns towards the Weſt, to the North-Weſt Corner of the Grounds called Chucker Burr, and then continued Weſtward with a little Inclination to the South, till ſuch Line meets the Govindpore Nullah, otherwiſe called Tolley's Nullah, the ſaid Line to be ſo drawn as to include the General Hoſpital within the Limits of Calcutta, and to exclude the Temple of Kâly at Kalygaut and the adjoining Hamlet; and that the ſaid Boundary Line be further continued along the ſaid Nullah, until it enters the River, and then from Eaſt to Weſt directly acroſs the River to a Point on the Weſt Side thereof, exactly oppoſite to the Mouth of Tolley's Nullah before mentioned.

25. And Laſtly, that the Weſtern Boundary of the ſaid Town ſhall be the High Water Mark on the Weſt Side of the River.

26. The great Number of Foreign Ships and Veſſels which come to this Port, would render it difficult for the Judges of the Supreme Court or the other Magiſtrates of the Town, to exerciſe ſuch a Controul as is neceſſary for the due Preſervation of Peace, unleſs the Crews of ſuch Ships and Veſſels by this Deſcription of the Juriſdiction of the Magiſtracy be declared to be within that Juriſdiction.

27. We propoſe that the foregoing Deſcription be in general enacted by Parliament; but that, to prevent any poſſible Inaccuracy in a Meaſure of ſuch Conſequence, we ſhould be empowered to aſcertain and fix by an Ordinance the Boundaries in any Part where the foregoing Deſcription ſhall be found vague and uncertain, and particularly to form and eſtabliſh by ſome viſible Metes and Bounds the Line which is to be drawn from the North Weſt Point of Chucker Burr to Tolley's Nullah, ſo as to include the General Hoſpital.

28. The Judges of the Supreme Court have ſuggeſted a Neceſſity for making conſiderable Alterations in the Admiralty Juriſdiction granted to the Court by His Majeſty's Charter of 1774, the Terms in which that Juriſdiction is conveyed having rendered the Exerciſe of it of little Service. We ſhall firſt explain the Defects which we think require Correction, and then ſuggeſt the Means which occur to us for that Purpoſe.

29. The Charter expreſſes that the Supreme Court of Judicature ſhall be a Court of Admiralty for the Provinces of Bengal, Bahar, and Oriſſa, and all other Territories and Iſlands adjacent thereto, and which are or ought to be dependant thereon for the Trial of Civil and Maritime Cauſes within the Ebbing and Flowing of the Tide and High Water Mark, through the Provinces and Iſlands above deſcribed,

deſcribed, in the ſame Manner as the Admiralty Juriſdiction is exerciſed in that Part of Great Britain called England.

30. By the ſame Charter a Criminal Juriſdiction is granted, empowering the Court to try all Treaſons, Murders, Piracies, Robberies and other Offences committed within the ſame Limits; and by a Proviſo this Admiralty Juriſdiction is further limited to extend only to Britiſh Subjects, and to Servants of the Company and Servants of Britiſh Subjects.

31. A Reference to the Terms of the Charter will be more ſatisfactory than this Abſtract. It affords a ſufficient Foundation, however, for the following Obſervations:

32. 1ſt, That the Limits of the Juriſdiction are too confined to admit of its being exerciſed with Utility: and 2dly, That there is no expreſs Authority to give Judgment of Death, and to proceed to Execution in capital Crimes, although the Charter proceeds to direct Fines to be levied, and other Judgments not capital to be carried into Execution.

33. His Majeſty by His Charter granted in the Firſt Year of His Reign, viz. on the 13th March 1761, was pleaſed to grant a Power to the then Preſident and Council, and His Majeſty's Admirals, Captains of Ships and others, not leſs than Seven in Number, to try Piracies. It has been doubted whether this Commiſſion is ſtill in force, and whether the like Authority ſtill continues in the Governor General and Council, and ſuch others as according to that Charter they ſhall call to their Aſſiſtance. But if the Authority does continue, it does not ſeem very convenient or proper.

34. We ſhall now ſtate the Regulations neceſſary in our Judgment to give to the Judges a proper and uſeful Juriſdiction in Admiralty Caſes.

35. 1ſt, That a Power be given by Act of Parliament to the Supreme Court of Judicature to try all ſuch Treaſons, Murders, Piracies, Robberies, and other Offences which are uſually puniſhed capitally by Maritime Law, as ſhall be committed within the Limits of the Company's Trade on the High Seas, or within the Ebbing and Flowing of the Sea in or upon any navigable River, in whatſoever Country or Dominions the ſame may be within the above Limits, by Britiſh Subjects or others. That the Trial be by a Jury of Britiſh Subjects, with a Power to ſummon a Jury *de Medietate Linguæ*, when allowable by Law.

36. 2dly, That the Supreme Court of Judicature be authorized to try Prize Cauſes, and that for this Purpoſe ſuch an Alteration be made in the Conſtitution of the Court, as the Laws and Treaties in force may require, ſuch Right of Appeal being given as may be conſiſtent with thoſe Laws and Treaties.

37. 3dly, That the Power of giving Judgment of Death, and of proceeding to Execution in Maritime capital Cauſes, be clearly authorized and expreſſed.

38. Our next Purpoſe in this Addreſs to your Honourable Court, is to obtain a Law for the Relief of Inſolvent Debtors. The Miſchief propoſed to be remedied by ſuch a Law is not confined to Calcutta, but extends to all Perſons who are ſubject to the Juriſdiction of the Supreme Court. As the Law ſtands at preſent, Inſolvent Perſons who have the Misfortune to be impriſoned at the Suit of an obdurate Creditor, under Proceſs of the Supreme Court, muſt remain in Priſon for Life, there being no Power in this Country which can poſſibly extricate them if the Creditor refuſes to aſſent to their Diſcharge. To relieve all Perſons who may have the Misfortune to fall into this Situation, a perpetual Law is wanting, by which Inſolvent Perſons confined for Debt under Proceſs of the Supreme Court or of the Court of Requeſts, on giving up their Property upon Oath for the general Benefit of all their Creditors, under ſimilar Regulations and ſubject to the like Penalties in caſe of Fraud or Concealment as Inſolvent Debtors are rendered liable to in England, by the occaſional Acts paſſed for their Relief, ſhould be entitled to be diſcharged from Cuſtody, and exonerated from all their Debts.

39. The Power of diſcharging the Inſolvent Debtors under the Conditions we have ſtated, ſhould be veſted, we think, in the Supreme Court of Judicature, except in Caſes where the Debtor has been impriſoned by a Judgment of the Court of Requeſts for Debts not exceeding 100 Rupees, in which Caſes we are of opinion

opinion that the Court of Requeſts ſhould have a concurrent Authority with the Supreme Court in diſcharging the Inſolvent Debtor.

40. The only Subject not yet mentioned among thoſe which we propoſed to ſubmit to your Conſideration in this Letter, is that of providing ſome Mode or Syſtem for trying and puniſhing Offences committed on Prince of Wales Iſland, as well by Natives of Aſia ſettled there as by Britiſh and other Mariners and Traders reſorting to the Port. We have ſpecified Prince of Wales Iſland particularly; but it might be convenient that the Laws which authorize a proper Adminiſtration of Juſtice in that Country ſhould extend its Proviſions to any other new Settlements that may hereafter be made in any of the Ports or Iſlands in the Bay of Bengal or to the Eaſtward.

41. We have not any exact Account of the Number of Britiſh Inhabitants and others reſiding upon Prince of Wales Iſland, but we know that the Native Settlers are already very numerous, and ſome of them of Tribes remarkable for their turbulent and ſanguinary Diſpoſition; and we underſtand that the Number of Native Inhabitants in general becomes daily greater, while we have not the regular Means of puniſhing any Offences committed there, which muſt be expected to increaſe with the Increaſe of the People.

42. If you ſhould concur with us in the Propriety of the ſeveral Propoſals offered to your Conſideration, we requeſt that the Application to His Majeſty's Miniſters and to the Parliament may be made with all convenient Expedition, in order to aſſiſt the Law Officers to whom the Conſideration of the Application will of courſe be referred. We wiſhed to tranſmit to you by this Packet the Sketch of a Bill to be ſubmitted after Emendation to the Judgment of the Legiſlature; but the Indiſpoſition of your Advocate General, in whoſe Province it lies to direct the Formation of the Bill, and the Time limited for the Diſpatch of the Rodney, obliges us to give up the Intention of forwarding it by this Conveyance; it will be tranſmitted to you by the next. But as that may not offer for ſome Months, we hope that the Lights already furniſhed in this Addreſs on the Subjects of it, will enable the Law Officers at home to proceed in forming the Bill without waiting for the Outlines of it propoſed to be ſent from this Country.

43. When the Powers we have ſolicited are granted, we ſhall proceed to the Appointment of the Miniſterial Officers for the proper Objects of the Police, viz. for Guarding and Watching the Town, for apprehending Offenders againſt the Peace, Vagabonds and diſorderly Perſons, under the Authority allowed by the Laws. At preſent Calcutta exhibits a ſingular Inſtance of a great Capital, without any legal Police, whilſt the Foreign Settlements in Bengal, acting upon the Principles of the old Zemindarry Juriſdiction, have eſtabliſhed Regulations for the Preſervation of Order in their reſpective Settlements, which we under the Reſtriction of the Laws are precluded from accompliſhing.

We have the Honour to be,

Honourable Sirs,

Your moſt obedient humble Servants,

Fort William,
6th March 1788.

(Signed) CORNWALLIS.
J. SHORE.

Extract Letter from Lord Cornwallis to the Court, dated Fort William, 3d March 1788.

Para. 30. You will receive with a Letter on the Subject from the Board, the Draft of an Act of Parliament for giving this Government more extenſive Powers to enforce good Order in the Police of this City. As the Credit of your Government and the Intereſt of Humanity and Juſtice call loudly for the Meaſure, I am perſuaded that you will be inclined to give it your utmoſt Support and Aſſiſtance; and it no doubt will give you Satisfaction to know, that the Principles of theſe Propoſitions have been examined and diſcuſſed with great Deliberation at ſeveral Meetings of the Members of Government and Judges of the Supreme Court of Judicature, and that in the Adjuſtment of every Point there was the moſt perfect Unanimity.

Extract

Extract Letter from Lord Cornwallis to the Honourable Court of Directors, dated 3d November 1788.

22. The liberal and conciliatory Spirit which I have uniformly experienced from the Judges of the Supreme Court, has been a Source of great Satisfaction to myſelf; and the conſequent Harmony which ſubſiſts between them and the Supreme Government, cannot fail of being productive of many Benefits to the Inhabitants of all Deſcriptions of this Country. I truſt that our earneſt Recommendation that you ſhould endeavour to obtain an Extenſion of Powers to your Supreme Government, for the better regulating the Police and improving the internal Adminiſtration of Juſtice in this great City, will have engaged ſome Part of your Attention before the Arrival of this Diſpatch.

23. The Draft of the Act of Parliament which was promiſed by the laſt Ship of the preceding Seaſon, will accompany the Diſpatch from the Board; conſiderable Pains have been taken to include in it the principal Heads which are thought moſt material for effecting its profeſſed Purpoſes; and whatever Alterations may be neceſſary in ſome Parts of the Detail, you may be aſſured that the Meaſure in its Subſtance is calculated to promote Order and Happineſs amongſt the vaſt Multitude of People who compoſe the Inhabitants of this Place; I cannot therefore too warmly recommend to you to uſe your utmoſt Endeavours to obtain for it the Sanction of the Legiſlature. Many valuable Improvements have been made in the Adminiſtration of Juſtice in the interior Parts of theſe important Poſſeſſions; but I am obliged to acknowledge that both the Civil and Criminal Syſtem, and particularly the latter, is yet far ſhort of Perfection.

EXTRACT BENGAL PUBLIC CONSULTATIONS,
5th November 1788.

Read two Letters as follows from the Advocate General.

My Lord,

I have the Honour to lay before your Lordſhip the Draft of the Bill which I was directed to prepare conformably to the Inſtructions tranſmitted to me by the Secretary of the Government.

Your Lordſhip will find, on peruſing this Draft, that it does not contain any Clauſes for the Relief of Inſolvent Debtors, which was one of the Subjects mentioned in my Inſtructions; for when I came to conſider that Topic, it appeared of ſuch Importance, and I found ſo many Proviſions and Regulations would be neceſſary to the framing a Law which ſhould permanently and effectually anſwer the End propoſed, that I thought it would be the moſt adviſable to make it the Subject of a ſeparate Bill. I was aware beſides that if I had included it in the preſent Draft, it would have been impracticable for me to have had it prepared before the ſailing of the William Pitt, as from the Variety of other Buſineſs of the Company I have conſtantly had upon my Hands, and which has required more immediate Diſpatch, it has been with Difficulty that I have been able to prepare the preſent Draft upon the other Heads of my Inſtructions.

I have the Pleaſure, however, to inform your Lordſhip that I have drawn the Clauſes which in Addition to the written Inſtructions ſent me your Lordſhip was pleaſed to direct me to inſert, for extending to the Subjects of the French King, (agreeably to the Convention made at Verſailles on the 31ſt Day of Auguſt 1787), and to other European, American and Chriſtian Foreigners reſiding or ſojourning within the Company's Proviſions, the Benefit of the Engliſh Laws, and ſubjecting them to their Coercion in like Manner as His Majeſty's own Subjects, inſtead of leaving them amenable both in Civil and Criminal Matters to the Juriſdiction of the Country Courts, which decide according to the Rules of the Mahomedan Law. I hope, in the Vacation after the preſent Term, I ſhall be able to prepare a Sketch of a Bill for the Relief of Inſolvent Debtors, in Time to be ſent home by ſome of the Ships that may be diſpatched in January.

Calcutta, 28th Oct. 1788.

I have the Honour to be, &c.
(Signed) T. H. Davies.

" Whereas in virtue of an Act of Parliament paſſed in the 13th Year of the Reign of His preſent Majeſty, entitled " An Act for the eſtabliſhing certain Regulations for the better Management of the Affairs of the Eaſt India Company, as well in India as in Europe," it was enacted, That it ſhould and might be lawful for the Governor General and Council of the ſaid United Company's Settlements at Fort William in Bengal, from Time to Time to make and iſſue ſuch Rules, Ordinances and Regulations for the good Order and Civil Government of the ſaid United Company's Settlement at Fort William aforeſaid, and other Factories and Places ſubordinate thereto, or to be ſubordinate thereto, as ſhould be deemed juſt and reaſonable, ſuch Rules, Ordinances and Regulations not being repugnant to the Laws of the Realm, and to ſet, impoſe, inflict and levy reaſonable Fines and Forfeitures for the Breach and Non-obſervance of ſuch Rules, Orders and Regulations:

" And whereas it has been found that many Evils and Abuſes exiſt within the ſaid Settlement and the Factories and Places ſubordinate thereto, for which no ſuitable Remedy can be provided under the Powers granted by the aforeſaid Act:

" And whereas from the great Extent and Population of the Town of Calcutta at Fort William aforeſaid, the Number of Magiſtrates who under the preſent Laws are enabled to exerciſe a legal Authority therein, is inadequate to the Preſervation of the Peace of the ſaid Town, and to the hearing the numerous Complaints daily therein ariſing: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid Act as enables and empowers the ſaid Governor General and Council of the ſaid United Company's Settlement at Fort William in Bengal to make and iſſue any Rule, Ordinance and Regulation for the good Order and Civil Government of the ſaid United Company's Settlement at Fort William aforeſaid, and other Factories and Places ſubordinate thereto, or to be ſubordinate thereto, ſhall be and the ſame is hereby repealed.

" And be it further enacted, by the Authority aforeſaid, That it ſhall and may be lawful for the Governor General in Council of the ſaid United Company's Settlement at Fort William in Bengal, from Time to Time to make and iſſue ſuch Ordinance or Ordinances for the good Order and Civil Government of the ſaid United Company's Settlement at Fort William aforeſaid, and other Factories and Places ſubordinate or to be ſubordinate thereto, and for the reſtraining and puniſhing all Breaches of the Peace, Petty Larcenies, Miſdemeanours and other Offences inferior to Felony which ſhall be there committed by the Inhabitants of the ſaid Places as ſhall be deemed juſt and reaſonable, and to enact, impoſe, inflict and levy ſuch adequate and reaſonable Forfeitures, Fines, Impriſonment or other corporal Puniſhment for ſuch Breaches of the Peace, Petty Larcenies, Miſdemeanours and other Offences as aforeſaid, and for the Breach and Non obſervance of ſuch Ordinance and Ordinances as ſhall by the ſaid Governor General in Council be deemed neceſſary and expedient: Provided that no Puniſhment by the ſaid Ordinance to be inflicted ſhall extend to Life or Limb, or Impriſonment for any longer Time than the Space of Two Years.

" And be it further enacted, That all Fines, Forfeitures and Penalties to be ſet, impoſed, and levied, under or by virtue of ſuch Ordinances, ſhall go, be paid and applied to and for the Uſe and Benefit of the Town of Calcutta, in ſuch Manner as ſhall be directed by the ſaid Governor General in Council: But nevertheleſs, the ſame Ordinances or any of them, ſhall not be valid or of any force or effect until the ſame ſhall be duly regiſtered and publiſhed in the ſaid Supreme Court of Judicature, with the Conſent and Approbation of the ſaid Court, which Regiſtry ſhall not be made until the Expiration of Twenty Days after the ſame ſhall be openly publiſhed, and a Copy thereof affixed in ſome conſpicuous Part of the Court Houſe or Place where the ſaid Supreme Court ſhall be held, and from and immediately after ſuch Regiſtry as aforeſaid, the ſame ſhall be good and valid in Law: But nevertheleſs, it ſhall be lawful for any Perſon or Perſons in India to appeal therefrom to His Majeſty, His Heirs or Succeſſors in Council, who are hereby empowered, if he or they think fit, to ſet aſide and

and repeal any ſuch Ordinances reſpectively, ſo as ſuch Appeal or Notice thereof be lodged in the ſaid Supreme Court of Judicature within the Space of Sixty Days after the Time of the regiſtering the ſame; and it ſhall be lawful for any Perſon or Perſons in England to appeal therefrom in like Manner within Sixty Days after the publiſhing the ſame in England; and it is hereby directed and required that a Copy of all ſuch Ordinances, from Time to Time as the ſame ſhall be ſo received, ſhall be affixed in ſome conſpicuous and public Place in the India Houſe, there to remain and be reſorted to as Occaſion ſhall require; yet nevertheleſs, ſuch Appeal ſhall not obſtruct, impede or hinder the immediate Execution of any ſuch Ordinance ſo made and regiſtered as aforeſaid, until the ſame ſhall appear to have been ſet aſide or repealed upon the Hearing and Determination of ſuch Appeal.

"Provided always, and be it enacted by the Authority aforeſaid, That the Governor General in Council ſhall, and he is hereby required, from Time to Time to tranſmit Copies of all ſuch Rules, Ordinances, and Regulations as he ſhall make and iſſue, to One of His Majeſty's Principal Secretaries of State for the Time being; and that it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, from Time to Time, as they ſhall think neceſſary, to ſignify to the ſaid United Company, under his or their Signs Manual, his or their Diſapprobation and Diſallowance of all ſuch Rules, Ordinances, and Regulations; and that from and immediately after the Time ſuch Diſapprobation ſhall be duly regiſtered and publiſhed in the ſaid Supreme Court of Judicature at Fort William in Bengal, all ſuch Rules, Ordinances, and Regulations ſhall be null and void: but in caſe His Majeſty, His Heirs and Succeſſors, ſhall not within the Space of Two Years from the making of ſuch Rules, Ordinances, and Regulations, ſignify his or their Diſapprobation or Diſallowance thereof as aforeſaid, that then and in that Caſe all ſuch Rules, Ordinances, and Regulations ſhall be valid and effectual, and have full Force.

"And for the better and more perfect carrying into Effect ſuch Ordinance or Ordinances as ſhall from Time to Time be made by the Authority of the ſaid Governor General in Council, with the Conſent of the ſaid Supreme Court of Judicature, in Manner aforeſaid, and for the more perfect Preſervation of the Peace in the Town of Calcutta aforeſaid; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor General in Council, in and by any ſuch Ordinance as aforeſaid, to create and conſtitute ſubordinate Magiſtrates for the hearing, determining, and puniſhing of all ſuch Breaches of the Peace, Petty Larcenies, Miſdemeanours, and other Offences as aforeſaid, and all ſuch Breaches or Non-obſervance of the ſaid Ordinance or Ordinances as to the ſaid Governor General in Council ſhall appear neceſſary or expedient for enforcing the ſame; provided that nothing herein or in any ſuch Ordinance contained ſhall exclude the ſaid Supreme Court of Judicature from the Right of hearing, trying, and determining any ſuch Offences as are now ſubject to their Cognizance, or any other Offence which the ſaid Governor General in Council ſhall or may think fit, by any ſuch Ordinance or Ordinances, to ſubmit to the Cognizance of the ſaid Supreme Court.

"And be it further enacted by the Authority aforeſaid, That the ſaid ſubordinate Magiſtrates ſhall hear, determine, and puniſh ſuch Breaches of the Peace, Petty Larcenies, Miſdemeanours, and other Offences and Breaches or Non-obſervance of the ſaid Ordinance or Ordinances as aforeſaid, in ſuch Manner as by the ſaid Ordinance or Ordinances ſhall be directed and preſcribed; and it ſhall and may be lawful to and for the ſaid Governor General in Council, in ſuch Ordinance or Ordinances ſo to be made as aforeſaid, to create and conſtitute ſuch a Number of Miniſterial Officers for guarding and watching the ſaid Town of Calcutta, and apprehending Offenders againſt the Peace, Vagabonds, and diſorderly Perſons, as to the ſaid Governor General in Council ſhall appear neceſſary or expedient, which ſaid Miniſterial Officers ſhall poſſeſs and exerciſe ſuch Power and Authority for the Purpoſes aforeſaid as ſhall or may be given to them reſpectively by ſuch Ordinance or Ordinances, and no other; and further, that all ſuch Offices of ſubordinate Magiſtracy, and ſuch Miniſterial Offices, ſhall be held and exerciſed by ſuch Perſons as ſhall be appointed to fill the ſame by the ſaid Governor General

General in Council, in whom, by the ſaid Ordinances, ſuch Appointments ſhall be veſted.

" And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor General in Council annually and every Year, on the Firſt Day of or within Days then next enſuing, by an Order in Council to nominate and appoint from amongſt the Civil Servants of the ſaid United Company, and other the principal Britiſh Inhabitants of the Town of Calcutta, Perſons, who ſhall be Juſtices of the Peace of the City and Town of Calcutta, and the Factory of Fort William, and the Limits thereof, for the Space of One Year, commencing from the ſaid Firſt Day of , which ſaid Perſons ſo nominated and appointed as aforeſaid ſhall have full Power and Authority to act as Juſtices of the Peace for the ſaid City and Town of Calcutta, or Factory of Fort William, and the Limits thereof, and to do all ſuch Things within the ſaid Limits as appertain to the Office of a Juſtice of the Peace in England; and in caſe it ſhall happen that any of the ſaid Perſons who ſhall be ſo appointed Juſtices of the Peace as aforeſaid, ſhall happen to die, or to depart, or to be removed from Fort William as aforeſaid, during their Continuance in the ſaid Office, then that it ſhall and may be lawful to and for the ſaid Governor General in Council, and he is hereby required, as often as the ſame ſhall happen, by the like Order in Council to nominate and appoint from amongſt the Civil Servants of the ſaid United Company, or principal Britiſh Inhabitants of the City or Town of Calcutta, ſome other Perſon to be a Juſtice of the Peace in the Place or Stead of the Perſon ſo dying or departing, or being removed from Fort William aforeſaid, who ſhall hold and exerciſe the ſaid Office until the Expiration of the Year for which the Perſon ſo dying or departing, or being removed from Calcutta as aforeſaid, ſhall have been nominated and appointed, with as full Power and Authority as the ſaid Perſon ſo dying or departing, or being removed from Calcutta, could have held and exerciſed the ſaid Office.

" And whereas by the Act of the Thirteenth Year of His preſent Majeſty the Governor General in Council of the Settlement of Fort William are authorized and empowered to hold Quarter Seſſions within the ſaid Settlement:

" And whereas it would be convenient that the ſeveral Perſons ſo as aforeſaid to be appointed Juſtices of the Peace for the ſaid Settlement ſhould have the like Power and Authority; it is therefore further enacted by the Authority aforeſaid, That ſo much of the ſaid Act as authorizes and empowers the Governor General and Council to hold Quarter Seſſions within the ſaid Settlement be repealed, and the ſame is hereby repealed; and it is hereby further enacted, that the Governor General in Council, and the ſeveral Councillors of the Preſidency of Fort William, and the ſeveral Perſons ſo as aforeſaid to be appointed Juſtices of the Peace for the ſaid City or Town and Factory, and the Limits thereof, or any Three of them, ſhall be authorized and empowered, and the ſame are hereby authorized and empowered to hold Quarter Seſſions within the ſaid City or Town and Factory, Four Times in every Year, and that the ſame ſhall be at all Times a Court of Record.

" And whereas it is expedient that there ſhould be a Coroner for the City or Town of Calcutta and Factory of Fort William aforeſaid, and the Limits thereof, legally authorized to exerciſe ſuch Powers as appertain to the Office of Coroner in the reſpective Counties in England; be it therefore enacted by the Authority aforeſaid, That from and after the Day of there ſhall be a Coroner for the City or Town of Calcutta, and the Factory of Fort William, and the Limits thereof, which ſaid Coroner ſhall from Time to Time, and when and ſo often as the ſaid Office ſhall be vacant, be nominated and appointed by the Governor General in Council, by an Order in Council, and ſhall and may have and exerciſe ſuch legal and judicial Powers as are exerciſed by the Coroners in the reſpective Counties in England.

" And be it further enacted by the Authority aforeſaid, That the Perſon or Perſons holding or exerciſing the ſaid Office of Coroner ſhall alſo be capable of holding, and be competent to be appointed to the Office of Juſtice of the Peace for the ſaid City or Town of Calcutta and Factory of Fort William, and the

Limits thereof, in caſe he ſhall be thereunto appointed by the ſaid Governor General in Council.

" And whereas many Diſorders have ariſen, and the moſt pernicious Effects are daily felt in the ſaid City or Town of Calcutta, from the unreſtrained Sale of Spirituous Liquors, and particularly of that Sort known by the Name of Country Arrack, which is retailed in a great Number of Houſes within the Limits of the City or Town of Calcutta and Factory of Fort William aforeſaid, and the Limits thereof; be it therefore enacted by the Authority aforeſaid, That it ſhould and may be lawful to and for the Governor General in Council of Fort William aforeſaid, by and with the Conſent of the Supreme Court of Judicature at Fort William aforeſaid, to be given in the Manner aforeſaid, to make and iſſue from Time to Time ſuch Ordinance and Ordinances for reſtraining the Sale of Spirituous Liquors, and for licenſing the Perſons by whom the ſame ſhall be allowed to be retailed within the Limits of the City or Town of Calcutta and Factory of Fort William aforeſaid, and for impoſing, inflicting, and levying Fines and Forfeitures on the Perſons offending againſt ſuch Ordinance and Ordinances, as ſhall by the ſaid Governor General in Council be found neceſſary, requiſite, or moſt effectual for reſtraining the ſaid Evil; and in caſe that any Perſon or Perſons duly convicted of any Offence or Offences againſt the ſaid Ordinances ſhall refuſe or be unable to pay ſuch Fine as ſhall or may be impoſed on him or them, then and in that Caſe it ſhall and may be lawful for the Magiſtrate or Magiſtrates, or Officer or Officers, by or before whom ſuch Conviction or Convictions ſhall be had, to inflict upon ſuch Offender or Offenders, in lieu of ſuch Fine or Fines, ſuch corporal Puniſhment or Impriſonment as in his or their Diſcretion ſhall appear juſt and reaſonable, provided that ſuch corporal Puniſhment ſhall not extend to Life or Limb, nor ſuch Impriſonment be for any longer Time than the Space of Six Months.

" And whereas a great Difficulty has been found in tracing the ancient Limits of the City or Town of Calcutta, and Doubts have of late Years been made, whether certain Edifices which properly form a Part of the preſent Town of Calcutta, and are comprehended within the Limits of the ſame, as deſcribed and declared by a certain Rule, Ordinance, and Regulation, entitled, " A Rule, Ordinance, and " Regulation for the good Order and Civil Government of the United Company's " Settlement at Fort William in Bengal," ſtand within the ancient Limits of the ſaid City or Town, or not: And whereas it is of great Importance that the ſaid Boundary ſhould be clearly defined, aſcertained, and deſcribed, that no Doubt may be in future entertained reſpecting the Places to which the Juriſdiction of the ſaid Rule or Ordinance, or of any Rules or Ordinances hereafter to be made, may be legally extended; be it therefore enacted by the Authority aforeſaid, That the City or Town of Calcutta ſhall extend to and be bounded by the ſeveral Lines, Limits, and Boundaries following; that is to ſay, That the ſaid City or Town of Calcutta ſhall be bounded on the North Side thereof by a Line commencing at a Point on the Weſt Side of the River Houghley, exactly oppoſite to the Mouth of the Brook called Chitpoor Nullah, or Bang Bazar Nullah, which Line being drawn acroſs the River from the aforeſaid Point to the Mouth of the ſaid Brook or Nullah, ſhall be continued to the Eaſtward along the North Side of the ſaid Nullah, to the North End of the Bridge called Chitpoor Bridge, and ſo on Eaſtward along the ſaid Nullah and the Marhatta Entrenchment till the ſaid Entrenchment turns towards the South:

" That the Boundary of the ſaid Town on the Eaſt Side thereof be a Line which ſhall be drawn along the ſaid Marhatta Entrenchment and Road adjoining to the ſame, ſo far as the Remains of the ſaid Entrenchment are viſible, by the Side of the ſaid Road leading towards the South, and which Line ſhall then be continued to the Southward along the ſaid Road, leaving on the Weſt Side thereof, and thereby including within the Limits of Calcutta the Proteſtant Burying-ground Chouringhee, and the Lands thereunto belonging, as well as the Lands formerly belonging to Henry Vanſittart Eſquire, Preſident of Fort William, and to ſhall continue to the Southward until the ſaid Road turns towards the Weſt, leaving Arreapokur on the South Side, and begins to lead towards Chucker Burr:

" That the Boundary of the ſaid Town on the South Side thereof be a Line drawn Weſtward along the ſaid laſt-mentioned Road from the Place where it turns towards the Weſt to the North-weſt Corner of the Grounds called Chucker Burr, and then continued to the Weſtward with a little Inclination to the South, till ſuch Line meets the Gorindpore Nullah, otherwiſe called Tolley's Nullah, the ſaid Line to be now drawn as to include the General Hoſpital within the Limits of Calcutta, and to exclude the Temple of Kaly at Kalyghaut, and the adjoining Hamlet, and that the ſaid Boundary Line be further continued along the ſaid Nullah until it enters the River, and then from Eaſt to Weſt directly acroſs the River to a Point on the Weſt Side thereof exactly oppoſite to the Mouth of Tolley's Nullah before mentioned:

" And laſtly, The Weſtern Boundary of the ſaid Town ſhall be the High-water Mark on the Weſt Side of the River.

" And whereas at preſent there are no viſible Metes and Bounds by which the Boundary Line to be drawn from the North-weſt Point of Chucker Burr to Tolley's Nullah, ſo as to include the General Hoſpital, can be publicly and generally known:

" And whereas it is expedient and neceſſary that the Boundaries of the Town of Calcutta ſhould be ſo marked as to be notorious and eaſy to be diſtinguiſhed; be it therefore enacted, That it ſhall and may be lawful to and for the Governor General in Council, by an Ordinance to be made and iſſued with the Conſent of the ſaid Supreme Court of Judicature, in the Manner herein-before preſcribed, to aſcertain and fix, by ſome public, open, and viſible Metes and Marks, the ſaid Boundary Line, which is to be and ſhall be drawn from the ſaid North-weſt Point of Chucker Burr to Tolley's Nullah, and alſo to fix and aſcertain any other Part or Parts of the Limits or Boundary Line of the ſaid City or Town of Calcutta, in any and every Caſe where it ſhall or may be found that the foregoing Deſcription is not ſufficiently clear and definite:

" And whereas His late Majeſty King George the Second did, by His Letters Patent bearing Date at Weſtminſter the Twenty-eighth Day of January in the Twenty-ſixth Year of His Reign, grant to the ſaid United Company His Royal Charter, thereby, amongſt other Things, conſtituting and eſtabliſhing a Court of Requeſts at the ſaid United Company's Settlement of Fort William in Bengal, for the Recovery of Small Debts, not exceeding the Sum of Twenty current Rupees: And whereas, from the limited Juriſdiction of the ſaid Court of Requeſts, and from the Expence attending the proſecuting for Debts in the Supreme Court of Judicature, many Creditors for ſmall Sums, exceeding Twenty Rupees, find it better to forego their Debts than to ſue for the ſame in the ſaid Supreme Court; and many Perſons indebted in ſmall Sums, exceeding the ſaid Sum of Twenty Rupees and not exceeding Three hundred Rupees, have been greatly vexed and oppreſſed by being ſued in the ſaid Supreme Court for the ſaid Debts: And whereas it will tend greatly to the Furtherance of Juſtice that the ſaid Supreme Court ſhall be authorized and empowered to eſtabliſh a more ſummary, expeditious, and leſs expenſive Mode of Trial for Debts, and certain other Cauſes of Action hereafter ſet forth, when the Damages laid ſhall not exceed the Sum of Three hundred Rupees, than the Form of Trial at preſent eſtabliſhed in the ſaid Supreme Court; and alſo that the ſaid Court of Requeſts ſhould be empowered to hold Cognizance of Actions for Debts and Contracts when the Cauſe of Action ſhall not exceed the Sum of One hundred Sicca Rupees, and of Actions for other Civil Injuries herein after ſet forth when the Damages ſhall be laid at a Sum not exceeding One hundred Rupees:

" Be it therefore enacted by the Authority aforeſaid, That it ſhall be lawful for the Judges of the ſaid Supreme Court, or any or either of them, to determine in a ſummary Way, by Engliſh Bill or Paper Petition in England, all Diſputes between Party and Party, where the Defendant or Defendants ſhall be ſubject to the Juriſdiction of the ſaid Supreme Court, for any Sum not exceeding Three hundred Sicca Rupees, in Actions of Debt, Aſſumpſit, and Inſimul Computaſſet, and Trover, Quantum Meruit, or for Goods, ſo as the Title of Lands be not drawn in queſtion, and alſo in Actions of Aſſault, of Battery, of falſe Impriſonment, or of Slander, in which the Plaintiff ſhall chooſe to lay his Damages

Damages at any Sum not exceeding Three hundred Sicca Rupees, in which Proceeding the Defendant ſhall * the Benefit of all Matters in his Defence that he might have had if he had been ſued in the ordinary Forms of Common Law, or in Equity; and each and every of the ſaid Judges, ſeverally and reſpectively in his Turn, according to ſuch Rotation, on ſuch Days and at ſuch Seaſons as ſhall from Time to Time be ſettled by the Judges of the Supreme Court, is and are required ſo to do, and to decree Execution thereupon, or to diſmiſs ſuch Bill with Coſts againſt the Body or Goods of the Parties againſt whom they ſhall give ſuch Decree or Diſmiſſal, as alſo Intereſt thereupon in all Caſes wherein Equity and Intereſt ought to be decreed; and it ſhall be lawful for the Judge whoſe Turn it ſhall be to hear and determine Trials by Engliſh Bill, to hear and determine the ſame, at any Time when he ſhall be required ſo to do by the ſaid Supreme Court, although the ſaid Supreme Court ſhould at the ſame Time be ſitting. * Sic Orig.

" And it ſhall be lawful to and for the ſaid Judges of the ſaid Supreme Court of Judicature, or either of them, to iſſue a Proceſs under the Hands of the ſaid Judges, or either of them, or his or their Clerk, wherein ſhall be expreſſed the Plaintiffs and Defendants Names and Cauſe of Action, and the Day and Place of Appearance, which Proceſs ſhall be made returnable at the Direction of the ſaid Judges or ſome or one of them, and ſo no Cauſe ſhall be heard or Decree pronounced upon ſuch Petition or Engliſh Bill, until it ſhall be proved in open Court upon Oath, by ſome Perſon that is of the Age of Sixteen Years and upwards, and can read ſuch Proceſs, that the Defendant was perſonally ſerved with ſuch Proceſs Six Days incluſive before the Firſt Day given for the Appearance of the Defendant, by ſhewing the Defendant the original Proceſs and ſerving him with a Copy thereof; and in caſe the Defendant cannot be met with, by ſhewing the original Proceſs to and leaving a Copy of the ſame with the Defendant's Wife, Son, Daughter or menial Servant, being of the Age of Sixteen Years, at the Defendant's uſual Place of Abode, the ſame being within the ſaid Juriſdiction; and if the Defendant do not appear after Service of ſuch Proceſs, in ſuch Manner and proved upon Oath as aforeſaid, it ſhall be lawful for the ſaid Judges, or any or either of them in open Court, to determine the ſaid Cauſe, upon Examination of credible Witneſſes in open Court; and in caſe of Debt or Contract by Writing, the ſaid Judges may determine upon Examination as aforeſaid, or by Affidavit in Writing made before the ſaid Judges or any or either of them, to prove the Perfection of the ſaid Deed, Bill, Bond or Contract, and to prove their Hands ſubſcribed to the ſame, and to decree for the Plaintiff or diſmiſs the Bill or Petition as ſhall ſeem juſt, and iſſue Executions returnable for Recovery of all Sums decreed, and Coſts, as are herein-after mentioned, to be directed to the ſaid Sheriff of Calcutta, againſt the Body or Goods of the Defendant in caſe of a Decree, and againſt the Body and Goods of the Plaintiff in caſe of a Diſmiſſal, which the Sheriff to whom the ſame ſhall be directed ſhall execute, in like Manner as any Execution iſſued out of the ſaid Supreme Court, and ſuch Sheriff ſhall grant a ſpecial Warrant when demanded by the Plaintiff, at the Peril of ſuch Plaintiff taking One Rupee and no more for the ſame; and the ſaid Judges may inflict ſuch Puniſhment on the ſaid Sheriff for his Contempt, Negligence or Miſbehaviour therein, as the ſaid Supreme Court can or may do for any Contempt, Negligence or Miſbehaviour in executing Proceſs iſſued out of the ſaid Supreme Court; and if the Plaintiff ſhall not file his Bill within Twenty-four Hours after the Return of the Proceſs, or ſhall not proceed in his Cauſe when required by the Court, after ſerving the Defendant with Proceſs to appear as aforeſaid, the ſaid Judges or any or either of them, upon Oath made that the Defendant was ſerved on the Plaintiff's Behalf with ſuch Proceſs, ſhall diſmiſs the ſaid Defendant, and decree him ſuch Coſts as herein-after appointed, and iſſue Execution for Recovery thereof as aforeſaid; and when the ſaid Proceſs ſhall be returned, in any Term or Sittings after any Term, and ſuch Term or Sittings ſhall continue Four Days after the Return of the Proceſs, ſuch Judges upon Application made on the Fourth Day after the Return of the Proceſs, or on any ſubſequent Day during ſuch Term or Sittings, ſhall oblige the Plaintiff to proceed in ſuch Cauſe, and in Default of his ſo doing, ſhall diſmiſs the Bill for Want of Proſecution, and award the Defendant his Coſts.

" And

" And every Perſon who ſhall be ſerved with a Proceſs to teſtify concerning any Cauſe commenced by ſuch Proceſs as aforeſaid, and depending before the Judges of the ſaid Supreme Court, and ſhall at the ſame Time have his reaſonable Coſts, to be determined by ſuch Judge or Juſtices, for ſuch Attendance tendered unto him, ſhall be obliged to appear and give his Teſtimony, or in Default thereof ſhall forfeit to the Party grieved for every ſuch Offence ſuch Sums not exceeding as by the Direction of the Judges who ſhall iſſue ſuch Proceſs ſhall be reaſonably awarded, according to the Loſs that the Party who procured the ſaid Proceſs ſhall ſuſtain by the Reaſon of the Non-appearance of the ſaid Witneſs, to be recovered by the Party ſo aggrieved againſt the Offenders, before the ſaid Judges or one of them, in ſuch Manner as in other Cauſes before mentioned, and ſhall beſides be ſubject to ſuch Fine and Impriſonment as the ſaid Judges or any of them ſhall in their Diſcretion think fit to inflict as a Puniſhment for his Contempt of the ſaid Proceſs.

" And be it further enacted by the Authority aforeſaid, That the Court held by the ſaid Judges for determining the ſaid Cauſes in a ſummary Way by Engliſh Bill or Petition as aforeſaid, ſhall be a Court of Record; and in caſe any Perſon who ſhall be examined on Oath before any Judge by virtue of the Act ſhall commit artful Perjury, and be thereof duly convicted, ſuch Perſon ſhall be ſet in the Pillory for One Hour and an half, his Ears cut off and nailed thereto, or ſuffer ſuch other corporal Puniſhment at the Diſcretion of the ſaid Supreme Court as by any Law or Statute in being may be inflicted for the Offence of wilful Perjury in England.

" And be it further enacted, That the ſaid Judges of the ſaid Supreme Court ſhall, within the Space of Months after the Publication of this Act in Bengal aforeſaid, ſettle a Table of Fees to be allowed to ſuch Sheriff and to all others the Officers, Clerks, Advocates and Attornies of the ſaid Supreme Court, for all and every Part of the Buſineſs to be done by them reſpectively in any Suit by Engliſh Bill that ſhall or may be commenced, proſecuted or determined by the ſaid Judges or any or either of them, purſuant to this Act; which Fees, when approved by the Governor General in Council, who is hereby authorized to approve the ſame, the ſaid Sheriff and other Officers ſhall and may be lawfully demanded, and receive ſuch Fees as ſhall be allowed by the ſaid Table, and no more: And the ſaid Supreme Court ſhall be at Liberty and ſhall at all Times have full Power and Authority, with the like Concurrence of the ſaid Governor General in Council, from Time to Time to vary the ſaid Table of Fees as they ſhall ſee Occaſion.

" And be it further enacted by the Authority aforeſaid, That the ſaid Chief Juſtice and the ſaid Juſtices, and each of them reſpectively, within One Month from the ſaid Settling and Allowance of the ſaid Table of Fees, do certify under their ſeveral Hands and Seals, and do tranſmit to His Majeſty, His Heirs and Succeſſors, a full and true Account of the ſeveral Offices and Places and Officers and Clerks, and of their Salaries ſeverally and reſpectively, and a true Copy of the ſaid Table of Fees, together with the Approbation of the ſaid Governor General in Council, and alſo any Variation of the ſaid Table to be made as aforeſaid, within One Month after the ſame ſhall have been ſo varied.

" And be it further enacted, That the ſaid Table and the ſaid Alteration and Variations thereof, if any Alteration or Variation ſhall be made, ſhall be hung up in ſome conſpicuous Part of the Hall or Place where the ſaid Supreme Court or Judicature at Fort William in Bengal ſhall be publicly holden, or where the ſaid Court for Trial of Cauſes by Engliſh Bill as aforeſaid ſhall be holden.

" And if any Sheriff of Calcutta ſhall ſuffer any Perſon taken in Execution by virtue of ſuch Decree or Diſmiſſal to make his Eſcape, he ſhall be liable to the Payment of the Debt and Damages in ſuch Decree mentioned, to be recovered before the Judges of the ſaid Court, or any or either of them, in ſuch Manner as in other Cauſes before mentioned.

" And if any Decree or Diſmiſſal obtained from the Judges of the ſaid Supreme Court or either of them be not executed before the next Term, it ſhall be lawful for the Plaintiff in ſuch Decree or Defendant in ſuch Diſmiſſal, or their Executors or Adminiſtrators, to renew the ſame in either of the Two next following Terms, the

the Plaintiff or Defendants firſt making Oath or giving reaſonable Satisfaction to the ſaid Judges that they have received no Part thereof, or if any Part be received, then to renew the ſame for the Sum remaining due on ſuch Decree or Diſmiſſal, which Orders of Renewal may in like Manner be from Time to Time renewed, till the Money decreed be fully paid, paying therefore to the Attorney for drawing up the ſame, and to each Judge for ſigning, and to the Judge's Clerk for entering, ſuch Fees as by the ſaid Table of Fees ſo to be ſettled as aforeſaid ſhall be fixed for the ſame, and no more; and the Book wherein the ſaid Cauſes are regiſtered ſhall be depoſited by the Clerks of the ſaid Judges at the end of each Term and Sittings, in the Hands of the Prothonotary of the ſaid Court, to be ready produced to ſuch of the ſaid Judges as ſhall by ſuch Rotation or otherwiſe be ſitting in the ſaid Court for Trial by Engliſh Bill, in order to make out Renewals of Decrees if Occaſion ſhall be: And that no Perſon ſhall be admitted to practiſe as an Advocate or Attorney before any Judge of the ſaid Supreme Court, in the Recovery of any of the ſaid Small Debts, but Perſons admitted Advocates or Attornies in the ſaid Supreme Court, and ſtanding upon the Rolls of the Advocates or Attornies of the ſaid Court; and that no Judges, Clerk or Regiſter of the Engliſh Bill ſhall be admitted to practiſe in the ſaid Supreme Court, as Attorney for any Plaintiff or Defendant in any Suit by Engliſh Bill, purſuant to this Bill, in his own or in any other Man's Name; and if any Perſon ſhall offend herein, he ſhall forfeit for every ſuch Offence Sicca Rupees to be recovered by ſuch Perſon who will ſue for the ſame by Action of Debt, &c. in the ſaid Supreme Court, in which no Eſſoign ſhall be in more than One Imparlance.

" And be it further enacted by the Authority aforeſaid, That no Decree ſhall be made by virtue of any Warrant of Attorney to confeſs Judgment on any Bond entered into for the Payment of a Sum determinable by this Act, unleſs Proceſs be ſued on the Perſon ſo bound, as in other Caſes is directed, and in every ſuch Caſe the Defendant ſhall have the Benefit of every Defence he could have either in Law or Equity.

" And in caſe any Sheriff ſhall neglect to pay over the Sum depoſited with him by virtue of this or the ſaid former Act, or ſhall refuſe or neglect to pay over any Sum levied by virtue of any Execution of ſuch Decree or Diſmiſſion, to the Perſons entitled thereto, or to ſuch Perſons as by them ſhall be authorized to receive the ſame upon Demand made, ſuch Sheriff ſo offending ſhall forfeit to the Party aggrieved double the Sum depoſited with or received by ſuch Sheriff, with legal Intereſt for the ſame from the Time of ſuch Demand, to be recovered by Civil Bill before the ſaid Judges or either of them, in like Manner as other Sums are made recoverable by this preſent Act.

" And no Decree ſhall be renewed more than Twice, without ſerving Proceſs thereon, unleſs the Party obtaining ſuch Decree ſhall by Affidavit make it appear to the ſaid Judges or ſome or one of them, that he hath uſed his utmoſt Endeavours to have the ſaid Decree executed.

" And be it further enacted by the Authority aforeſaid, That from and after the Publication of this Act in Bengal aforeſaid, it ſhall and may be lawful to and for the ſaid Court of Requeſts, to receive, hear and determine all Diſputes between Party and Party ariſing within the Town of Calcutta, for any Sum not exceeding One hundred Sicca Rupees, in Action of Debt or of Contract, Trover, Treſpaſs, or Detinue for Goods, ſo that the Title of Lands be not drawn into Queſtion, and alſo in Actions of Aſſaults and Battery, of falſe Impriſonment or of Slander, in which the Plaintiff ſhall chooſe to lay his Damages in any Sum not exceeding Ten Sicca Rupees.

" And whereas the Members compoſing the ſaid Court of Requeſts are at preſent ſelected from the junior Servants of the ſaid United Company, moſt of whom, holding other Offices under the ſaid United Company, are unable to diſcharge the Duties of the ſaid Court, or are put to great Trouble, Labour and Inconvenience in diſcharging the ſame, without receiving any Salary or Compenſation whatſoever for ſuch their Labours and Attendance:

" And whereas it would greatly contribute to the Diſpatch of Buſineſs and the Furtherance of Juſtice in the ſaid Court, that the Judges of the ſaid Court ſhould

be compoſed of Perſons duly qualified for the Diſcharge of a Judicial Office, and not engaged in or holding any Office or Employment whatſoever, and who ſhall receive competent Salaries for the Diſcharge of their Duties in the ſaid Court of Requeſts: Be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor General in Council to nominate and appoint Two Perſons to be Commiſſioners of the ſaid Court of Requeſts, and to fix ſuch annual Salaries for the Maintenance, Support and Reward of the ſaid Commiſſioners as the ſaid Governor General in Council ſhall judge fit and reaſonable, which ſaid Commiſſioners ſhall hold their ſaid Offices during their good Behaviour, and ſhall have and exerciſe the ſame Power, Authority and Juriſdiction as the Commiſſioners appointed or choſen by virtue of the ſaid Charter could or might lawfully exerciſe; and the ſaid Commiſſioners ſo to be appointed by the ſaid Governor General in Council during the Time they continue in the ſaid Office, ſhall hold and exerciſe no other Office or Employment whatſoever.

" And be it further enacted, by the Authority aforeſaid, That ſo much of the ſaid Charter of Juſtice granted by His ſaid late Majeſty, in the Twenty-ſixth Year of His Reign, as reſpects or relates to the Appointment of Commiſſioners of the ſaid Court of Requeſts at Fort William aforeſaid, ſhall immediately from and after the Nomination and Appointment of Commiſſioners by the Governor General in Council, under or by virtue of this Act, ceaſe, determine and be void to all Intents and Purpoſes: Provided always, and be it further enacted, by the Authority aforeſaid, That the ſaid Court of Quarter Seſſions, and the Court of Requeſts, as the ſame are hereby conſtituted, and all Juſtices, Sheriffs, Coroners and other Magiſtrates appointed or to be appointed, either by virtue of the Charter of His late Majeſty King George the Second, made in the Twenty-ſixth Year of His Reign, or of the Charter of His preſent Majeſty King George the Third, made in the Thirteenth Year of His Reign, or by virtue of any other Charter, or in conſequence of this Act, ſhall be and the ſame are hereby declared to be ſubject to the Order and Controul of the Supreme Court of Judicature at Fort William in Bengal, in ſuch Sort, Manner and Form as by the ſaid Charter of the preſent King made in the Thirteenth Year of His Majeſty's Reign, the Court of Quarter Seſſions and Court of Requeſts therein mentioned, and the Juſtices, Sheriffs and other Magiſtrates are made ſubject to the Order and Controul of the ſaid Supreme Court.

" And whereas it is highly neceſſary to the Purpoſes of Juſtice that a Court of Admiralty ſhould be eſtabliſhed at Calcutta, with full Power and Authority to try all Murders, Piracies, Felonies, Crimes, Treſpaſſes and Miſdemeanours committed and done upon the high Seas, between the Streights of Magellan and the Cape of Good Hope, within the Limits of the ſaid United Company's Trade, and alſo to hear and determine all Cauſes, Civil and Maritime, ariſing within the ſame Limits, the Cognizance whereof does belong to the Juriſdiction of the Admiralty, as the ſame is uſed and exerciſed in that Part of Great Britain called England:

" And whereas the Powers and Authorities given by the ſaid Charter to proceed in Maritime Cauſes and according to the Laws of the Admiralty, are limited to try ſuch Offences only as are committed and ſuch Cauſes, Civil and Maritime, as ariſe in or upon the Sea or public Rivers, Ports, Creeks, Harbours and Places overflown within the Ebbing and Flowing of the Sea and High-water Mark, within, about and throughout the Provinces of Bengal, Bahar and Oriſſa, and the Territories or Iſlands adjacent thereto and dependant thereupon, and extend only to the Subjects of His Majeſty who reſide in the Kingdoms or Provinces of Bengal, Bahar and Oriſſa, or ſome of them, and to Perſons who were the Cauſe of Suit or Complaint, are employed by or are then directly or indirectly in the Service of the ſaid United Company, or of any of His Majeſty's Subjects: Be it therefore further enacted, by the Authority aforeſaid, that the ſaid Supreme Court of Judicature at Fort William in Bengal ſhall be a Court of Admiralty in and for the ſaid Provinces, Countries or Diſtricts of Bengal, Bahar and Oriſſa, and all Seas, Territories and Iſlands between the Streights of Magellan and the Cape of Good Hope, within the Limits of the ſaid United Company's Trade.

" And

" And be it further enacted by the Authority aforeſaid, That the ſaid Supreme Court of Judicature at Fort William in Bengal ſhall have full Power and Authority to take Cognizance of, hear, examine, try and determine all Cauſes, Civil and Maritime, and all Pleas of Contracts, Debts, Exchange of Policies of Inſurance, Accounts, Charter-parties, Agreements, Loading of Ships, and all Matters and Contracts which in any Manner whatſoever relate to Freight or Money due for Ships hired and let out, Tranſport Money, Maritime Uſury or Bottomry, or to Extortions, Treſpaſſes, Injuries Complaints, Demands and Matters, Civil and Maritime, whatſoever, between Merchant Owners and Proprietors of Ships employed or uſed within the Juriſdiction aforeſaid, or between others contracted, done, had or commenced in, upon or by the high Seas or public Rivers or Ports, Creeks, Harbours and Places overflown, within the Ebbing and Flowing of the Sea and High-water Mark, within, about and throughout all the Territories, Countries, Diſtricts, Iſlands, Places and Ports whatſoever, between the Streights of Magellan and the Cape of Good Hope, within the Limits of the ſaid United Company's Trade, the Cognizance whereof doth belong to the Juriſdiction of the Admiralty, as the ſame is uſed and exerciſed in that Part of Great Britain called England, together with all and ſingular their Incidents, Emergents and Dependances, annexed and connected Cauſes whatſoever, and to proceed ſummarily therein with all poſſible Diſpatch, according to the Courſe of the Admiralty of that Part of Great Britain called England, without the ſtrict Formalities of Law, conſidering only the Truth of the Fact and Equity of the Caſe.

" And be it further enacted by the Authority aforeſaid, That the ſaid Supreme Court of Judicature at Fort William aforeſaid ſhall have full Power and Authority to inquire, hear, try, examine and determine by the Oaths of honeſt and lawful men, being Britiſh Subjects reſident in the ſaid Town of Calcutta, in like Manner as Treaſons, Felonies, Robberies, Murders and Confederacies are or may be in England inquired of, tried, heard and determined, under and by virtue of any Commiſſion under the King's Great Seal, by Authority of an Act of Parliament paſſed in the Twenty-eighth Year of King Henry the Eighth, and entitled " For Pirates," all Treaſons, Murders, Piracies, Robberies, Felonies, Maimings, Foreſtallings, Extortions, Treſpaſſes, Miſdemeanours, Offences, Exceſſes and Enormities, and Maritime Crimes whatſoever, done, perpetrated or committed upon the high Seas, within the Limits aforeſaid, by any Perſon or Perſons whatſoever, and to give Sentence and Judgment of Death, and to award Execution of the Offenders convicted as aforeſaid.

" And alſo, That it ſhall and may be lawful to and for the ſaid Supreme Court of Judicature, to fine, impriſon, correct, puniſh, chaſtiſe and reform Parties guilty, and all Violations of the Law, Uſurpers and Delinquents, Contumacious Abſentees, Maſters of Ships, Mariners, Rowers, Fiſhers, Shipwrights and other Workmen exerciſing any Kind of Maritime Affairs, according to the ſaid Civil and Maritime Laws, Ordinances and Cuſtoms, and their reſpective Demerits, and to deliver and diſcharge Perſons impriſoned in that Behalf who ought to be delivered, and to take Recognizances, Obligations, Stipulations and Cautions, as well as to the Uſe of His Majeſty the King of Great Britain, France and Ireland, as to the Inſtance of other Parties, and to put the ſame in Execution or to cauſe or command them to be executed, and alſo to arreſt or cauſe or command to be arreſted, according to the Civil Law and the ancient Cuſtoms of the Court of Admiralty in that Part of Great Britain called England, all Ships, Perſons, Things, Goods, Wares and Merchandizes, for the Princes and every of them, and for other Cauſes whatſoever, wherever they ſhall be met with or found, in or throughout the ſaid Provinces of Bengal, Bahar or Oriſſa aforeſaid, and to compel all Manner of Perſons in that Behalf, as the Caſe ſhall require, to appear and anſwer in the ſaid Court, with Power of uſing any temporal and inflicting Mulcts and Penalties, according to the Laws and Cuſtoms aforeſaid; and moreover, to compel Witneſſes, in caſe they ſhould withdraw themſelves for Intereſt, Fear, Favour or Ill-will, or other Cauſe whatſoever, to give Evidence to the Truth in all and every the Cauſe or Cauſes above mentioned, according to the Exigence of the Law, and to proceed in ſuch Cauſe or Cauſes, according to the Civil and Maritime Laws and Cuſtoms,

as

as well as of more Offence mixed or promoted at the Inſtance of any Party, as the Caſe may require, and to promulge and interpoſe all Manner of Sentences and Decrees, and put the ſame in Execution, according to the Courſe and Order of the Admiralty, as the ſame is now uſed in that Part of Great Britain called England: And whereas by a certain Convention made at Verſailles on the Thirty-firſt Day of Auguſt, in the Year of our Lord One thouſand ſeven hundred and eighty-ſeven, between His preſent Majeſty and the Moſt Chriſtian King, it was among other Things agreed, that the Six ancient Factories, namely, Chandernagore, Coſſimbuzar, Dacca, Jugdea, Balaſore, and Patna, with the Territories belonging to the ſaid Factories, ſhall be under the Protection of the French Flag, and ſubject to the French Juriſdiction, and that France ſhall alſo have Poſſeſſion of the ancient Houſes of Soopore, Keerpoy, Caunecole, Molumpore, Serampore, and Chittigong, as well as the Dependencies on Soopore, viz. Gauljurat, Allende, Chiatzabad, Patoreha, Monepore and Dolobody, and ſhall further have the Faculty of eſtabliſhing new Houſes of Commerce, but none of the ſaid Houſes ſhall have any Juriſdiction or any Exemption from the ordinary Juſtice of the Country exerciſed over Britiſh Subjects:

"And whereas by the ſaid Convention His Majeſty further engaged to take Meaſures to ſecure to French Subjects within the Limits of the ancient Factories above mentioned, and exact an impartial Adminiſtration of Juſtice in all Matters concerning their Perſons or Properties, or the carrying on their Trade, in the ſame Manner, and as effectually, as to His own Subjects:

"And whereas it would tend greatly to the Encouragement of Commerce, and the Advancement of Juſtice, if all Europeans and Americans, or Perſons reputed to be Europeans or Americans, and alſo all Perſons profeſſing the Chriſtian Religion, and being or reputed to be the Sons or Daughters, whether legitimate or illegitimate, of European or American Fathers, and alſo all Perſons profeſſing the Greek or Armenian Religion, who may be ſettled or may ſojourn at any Place or Places within the Limits of the United Company's Territories, in the Provinces of Bengal, Behar, or Oriſſa, enjoyed the Security and Protection of the Britiſh Laws, and were ſubject to the ſame, in like Manner as if the ſaid Perſons reſided within the Limits of the Town of Calcutta; be it therefore enacted by the Authority aforeſaid, That from and after the Day of which ſhall be in the Year of Our Lord as well as the Subjects of His Moſt Chriſtian Majeſty, and all other Europeans and reputed Europeans, and all Americans and reputed Americans, and alſo all Perſons profeſſing the Chriſtian Religion, and being or reputed to be the Sons or Daughters, whether legitimate or illegitimate, of Europeans or American Fathers, and alſo all Perſons profeſſing the Greek or Armenian Religion, who from and after the ſaid Day of in the Year aforeſaid, ſhall or may be ſettled in, or ſhall or may ſojourn at any Place or Places within the Limits of the ſaid United Company's Territories in the ſaid Provinces of Bengal, Behar, and Oriſſa aforeſaid, (the ſaid Six ancient Factories aforeſaid, and the Territories belonging to the ſame, excepted), ſhall in all Reſpects be ſubject to the ordinary Civil and Criminal Juſtice exerciſed within the ſaid Provinces over Britiſh Subjects, and ſhall be amenable to the Supreme Court of Judicature at Fort William in Bengal, and ſhall enjoy and exact an impartial Adminiſtration of Juſtice in all Matters concerning their Perſons or Properties, or the carrying on their Trade, in the ſame Manner and as effectually as His Majeſty's Britiſh Subjects within the ſaid Provinces enjoy the ſame."

Ordered, That Copies of this Letter, and of the Draft for an Act of Parliament, be tranſmitted Numbers in the Packet of The William Pitt, and that a Paragraph be drafted for the General Letter, referring them to the particular Notice of the Honourable Court of Directors.

Extract Public Letter from Bengal, dated 6th November 1788.

295. Purſuant to the Promiſe made in the 42d Paragraph of our ſeparate General Letter of the 6th March, on the Subject of the Police of this Town, &c.

we tranſmit to you a Number in the Packet Copy of a Letter from our Advocate General, with the Sketch of Bill which he has prepared. As this does not extend entirely to the Subject contained in his Inſtructions, the Reaſons are aſſigned for the Omiſſion in his Letter, which, with the Bill itſelf, we beg Leave to refer to your particular Notice.

Extract Public Letter to Bengal, dated 28th April 1790.

Letter from, 6th November 1788, 283 a 299).
Law Proceedings againſt ſeveral of the Company's Commercial Servants.

Para. 64. Theſe Paragraphs are under the Conſideration of the Company's Law Officers.

EXTRACT BENGAL PUBLIC CONSULTATIONS,
16th January 1789.

Read a Letter and its Enclоſure, from the Secretary.

No. X.

My Lord,

I have the Honour to lay before your Lordſhip in Council a Liſt of the Extra Writers who are at preſent employed in the Public, Secret, and Revenue Departments, bringing up the Buſineſs in Arrear, and expediting that occaſioned by the Diſpatch of the Indiamen.

When the Hurry of Buſineſs firſt made it neceſſary for me to employ additional Writers to thoſe on the Eſtabliſhment, I reported ſuch Neceſſity to your Lordſhip in Council verbally, conſidering it was of equal Effect as the written Application preſcribed by the Regulations of the 26th September laſt, which direct that it be made an invariable Rule, to be obſerved by the Heads of the Public Offices, not to employ any Extra Writers for occaſional Services without the previous Authority of the Government. On this Report your Lordſhip was pleaſed to give your Sanction for ſuch Extra Writers being employed, and that their Bills for Salary ſhould be paſſed; but as it was impoſſible for me to aſcertain to what Period the Services of theſe Writers would be required, a general Order could not be given to the Civil Auditor for paſſing their Bills without laying them before the Board. As I find it ſtill neceſſary to employ additional Aſſiſtants, it would ſave Time to the Board if the Auditor was directed to paſs the Bills for the Salary of ſuch Aſſiſtants until the Period at which the Buſineſs in Arrear, and the occaſional Buſineſs for the ſeveral Diſpatches, ſhall be finally brought up, when I truſt that the Aſſiſtants on the Eſtabliſhment will be found ſufficient to keep up the current Buſineſs of the Office.

I am the more induced to requeſt this Indulgence, as your Lordſhip will recollect, that in the Letter which accompanied the Eſtabliſhment which I had the Honour to ſubmit to the Board in May laſt, I obſerved that the Multiplicity of the common and occaſional Buſineſs in the Three Departments rendered it impoſſible to fix any Eſtabliſhment of Aſſiſtants which could be conſidered as permanent, but that I was willing to make an Experiment of the one offered, with a Reſervation that I ſhould from Time to Time be allowed the Liberty of reporting to your Lordſhip in Council when that Eſtabliſhment ſhould be found inadequate to the Duties of the Three Departments.

If your Lordſhip will be pleaſed to give Directions for the Order which I have taken the Liberty to requeſt to be iſſued to the Civil Auditor, I will pledge myſelf, that as ſoon as the Buſineſs in Arrear, and the occaſional Duty on account of the ſeveral Diſpatches, ſhall be completed, the Expence of theſe Three Departments ſhall again be reduced to that which the Eſtabliſhment preſcribes, or as near as poſſible.

I have the Honour, &c.

Fort William, 11th January 1789.

(Signed) E. Hay, Secretary.

No. XI. LIST of Extra Writers in the Public, Secret, and Revenue Departments, bringing up the Buſineſs in Arrear, and expediting that occaſioned by the Diſpatch of the Indiamen.

Public Department:					
John Lindſay	65	5	—		
J. H. De Roſario	76	—	—		
Andrero de Cruz	58	—	—		
John Moité	52	—	—		
Domingo Jongeneef	54	—	—		
Richd de Souza	50	—	—		
Simon de Roſario	44	—	—		
Anthony de Coſta	44	—	—		
Jeronimo Paterſon	48	—	—		
Stephen de Couto	40	—	—		
V. Mendis	16	10	6		
				547	15 6
Secret Department:					
Mr. Lloyd	100	—	—		
J. Mahon	150	—	—		
James Towers	150	—	—		
John Byrn, Sectioner	103	5	4		
	503	5	4		
Mudden Mohen	40	—	—		
Ramtono Baroofiat	50	—	—		
Ramnedy Baragee	50	—	—		
M. De Coſim	70	—	—		
W[m] Dobbins	70	—	—		
C. De Moyrah	70	—	—		
John Lawrence	70	—	—		
Chriſtopher Mayer	70	—	—		
W[m] Hudſon	70	—	—		
				1,063	5 4
Revenue Department:					
Mr. R. Purvis	100	—	—		
Mr. Fitzgerald	100	—	—		
				200	— —
			Sicca Rupees	1,811	4 10

Ordered, previous to any Determination being paſſed on the Secretary's Letter, That he be enjoined to lay before the Board a Liſt of his Aſſiſtants, whether covenanted or uncovenanted, in the Three Departments, with a Note oppoſite to the Name of each Perſon marking preciſely the Service that he renders in the Office, in order that ſuch Aſſiſtants may be removed as are not of real conſtant Uſe, and that the Eſtabliſhments may be made entirely, and to all Intents and Purpoſes, effective.

It is very well known that numerous Applications are made from Time to Time, both to the Members of Government and to the Secretary, to employ in his Office European Gentlemen who come to Bengal out of the Service of the Company, and reſort to ſome Situation in the Public Offices for Subſiſtence. The Embarraſſment which theſe Applications often occaſion is obvious, and ſome Check is neceſſary, both for the Relief of the Secretary, and to render his Eſtabliſhment what it ought to be, and what he muſt very much wiſh that it ſhould be.

Ordered, therefore, That in future no European Aſſiſtant be entertained, on any Account, in either the Secret, Revenue, or Public Departments, without the previous Sanction of the Board, recorded on their Proceedings.

Extract

Extract Public Letter to Bengal, dated 2d December 1789.

5. The Frequency of Deſertions of Perſons in different Stations from the freighted Ships in our Service, makes it neceſſary that ſome effectual Means ſhould be adopted to prevent the like in future; for the Conſequences are not only productive of the many Inconveniences which muſt reſult from the Ship's Company's being greatly weakened, but the Perſons ſo leaving their Ships remain in India, and procure Appointments, ſometimes in Preference, but always to the Prejudice of thoſe who proceed thither with our Permiſſion. Many of the Aſſiſtant Surgeons who have been appointed in India, under the Reſolutions of your Board, were probably of that Deſcription; and a ſtill greater Number, we ſuppoſe, are among thoſe Perſons who are engaged in the Sea Service of private Merchants at our ſeveral Preſidencies. From an Inſpection into the Liſts of the ſeveral Ships which have arrived in the Courſe of laſt Seaſon, we are inclined to believe the Evil rather increaſes; and as we find it neceſſary that ſuch Proceedings ſhould be effectually diſcouraged, we herewith tranſmit a Liſt of the Officers and Petty Officers of the Ships arrived laſt Seaſon who have remained behind, and we ſhall depend upon your Exertions in cauſing ſuch Perſons to be ſent to England by the firſt Conveyance which may offer.

Extract Public Letter from Bengal, dated 31ſt July 1790.

Letter to, dated 2d Dec. 1789, (5). Orders reſpecting Perſons who have deſerted from the Company's Ships that arrived in England the preceding Year.

Para. 5. In conſequence of the Directions in this Paragraph, we deſired that the fulleſt Inquiry might be made to aſcertain the Place of Abode and preſent Occupations of the Perſons named in the Liſt. The Superintendants of the Police furniſhed us accordingly with ſuch Particulars as they were able to procure; but as theſe were defective, and your Orders applied generally to all the Officers and Petty Officers who left their Ships and remained in India, we made a Publication in the Gazette, requiring them to hold themſelves in Readineſs to proceed to England by the firſt Opportunities, and declaring, that if any of them ſhould continue in Bengal or the Company's other Poſſeſſions under this Government, after the 1ſt January 1791, they would ſubject themſelves to be dealt with as the Acts of Parliament now in force in reſpect to Perſons unlicenſed to reſide or continue in the Limits of the Company's Territories have allowed and authorized.

Extract Public Letter to Bengal, dated 30th March 1791.

Letter from, 31ſt July 1790, (5). reſpecting the Court's Orders as to Perſons deſerting from the Company's Service.

Para. 3. We approve of your Proceedings in conſequence of our Orders of the 2d December 1789, reſpecting Perſons deſerting from the Company's Ships, and direct that you perſevere in your Endeavours for carrying thoſe Orders into effectual Execution.

EXTRACT BENGAL PUBLIC CONSULTATIONS,

4th February 1791.

The following Letter was received on the 1ſt Inſtant, from the Superintendants of the Police, and having been circulated, Orders were immediately ſent to thoſe Gentlemen and to the Town Major, in conformity to the Board's Reſolution.

My Lord,

We beg leave to repreſent to your Lordſhip, that there are great Numbers of European Foreigners at preſent in Calcutta, who are out of Employ, and have no Means of maintaining themſelves honeſtly. Laſt Night Eight Men of this Deſcription were apprehended by the Town Guard; ſome of them are known to be of bad Characters, and have been in Jail for various Crimes; we requeſt Orders may be given that theſe men be received in the Fort, and any others in the

the ſame Situation who may hereafter be apprehended. Several Robberies have been lately committed, and by the Accounts we have received, ſuch Men have been the Perpetrators.

We have, &c. &c.

Police Office, 7th Feb. 1791. } (Signed) T. MOTTS. E. MAXWELL.

Extract Public Letter from Bengal, dated 12th March 1791.

Para. 22. A Letter from the Superintendant of the Police, which is recorded in our Proceedings of the 4th of February, called our Attention to a Subject of ſome Conſequence in their Department: It was repreſented to us, that there were Numbers of European Foreigners in Calcutta, without preſent Employment or the obvious Means of maintaining themſelves honeſtly, and that of this Deſcription Eight Men had been apprehended the Evening before the Date of the Letter addreſſed to us by the Superintendant of the Police, ſome of whom were known to be of bad Character, and had been confined in Jail for various Crimes. A very ſhort Time previous to the Receipt of this Letter, many Robberies had been committed, and ſome Murders perpetrated in a Quarter of the Town hitherto leſs diſturbed, being that which is almoſt entirely occupied by the European Inhabitants; and we have very good Reaſon to believe that ſuch daring Acts could not have been committed by any other than Perſons of the Deſcription above mentioned.

23. Thoſe apprehended were given over to the Cuſtody of the Fort-Major; and in future Occaſions of a ſimilar Nature, it will be by ſuch Means that we can effect the Preſervation of the Public Peace.

24. The increaſing Numbers of Fugitives from Foreign Ships is an Evil of conſiderable Magnitude, and hence we cannot but regret that the Police of Calcutta ſhould ſtill continue upon a Footing not only inadequate to the Purpoſe of reſtraining the bold Attempts of licentious and deſperate Men, and of providing for the Security of the Community at large, but unauthorized in its active Exertions by any legal Sanction whatſoever.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 1ſt April 1791.

The Board taking into Conſideration the ſeveral Applications now before them for Second Aſſiſtants, and the Detriment ariſing to the Public Service, eſpecially in the larger Collectorſhips, from the Collectors not having a ſufficient Number of Aſſiſtants to enable them to execute with Punctuality the official Duties required of them, are of opinion that it is neceſſary either to allow them to entertain European Aſſiſtants not in the Company's Service, or to appoint ſome of the Writers of the laſt Seaſon to fill the vacant Stations. Excluſive of the great Expence which would attend the Adoption of the firſt Alternative, it appears to the Board by no Means adviſable, that Men not in the Service (who in reſpect to Knowledge of the Public Buſineſs can have little Advantage over the Writers lately arrived, and whom Government would have no Means of puniſhing in the Event of their being guilty of Miſconduct) ſhould be employed in Stations of ſuch Truſt and Importance. The Board likewiſe think it incumbent on them to expreſs it as their Opinion, that the young Men are more likely to obtain a Knowledge of Buſineſs and of the Languages, and to acquire early Habits of Application and to be out of the way of Expence and Diſſipation, when placed at the Out Stations under the immediate Controul of Men verſed in public Affairs, than when employed in tranſcribing Papers in the Public Offices in Calcutta, (a Duty that can give them but little Inſight into Buſineſs, at the ſame Time that it affords them no Opportunity of acquiring the Languages,) where they can be laid under no Reſtraint with regard to their private Conduct, and muſt always be in greater Danger of contracting Habits of Idleneſs and Diſſipation. The Board think it neceſſary to add, that all Stations of Truſt and Reſponſibility in the Public Offices are held by Covenanted Servants, and that the Duty of the Monthly Writers employed therein extends

extends to little more than the tranſcribing of Papers; which Duty, from the Public Proceedings having become ſo voluminous, muſt for the moſt Part devolve upon Perſons of this Deſcription.

The Board are therefore of opinion, that it will be beneficial to the young Men as well as to the Service, to appoint them to the vacant Stations; and they truſt that the Honourable Court of Directors will approve of the Reaſons above aſſigned for a Deviation from the Rule adopted in conſequence of their Orders of the 19th March 1790, and that they will be induced to remove the Reſtriction contained in thoſe Orders with regard to the young Men they may hereafter appoint to their Civil Service at this Preſidency.

Extract Public Letter from Bengal, dated 25th November 1791.

Para. 128. You will notice in our Proceedings of 26th ult. a Letter from Mr. Martyn the Sheriff of Calcutta, repreſenting on Behalf of the Committee appointed here, by Subſcribers for the Relief of Inſolvent Debtors, that ſeveral of the Europeans who have been releaſed under that Inſtitution have in a ſhort Time afterwards been again thrown into Gaol; that the Knowledge that there is a Fund of the Kind, and the monthly Support given to every Priſoner whoſe Situation requires it, not only tend to leſſen the Terror of Confinement, but are frequently a Temptation to incur freſh Debts; and that to render, therefore, the future Releaſe of any European of ſolid Benefit to himſelf, and to prevent as much as poſſible a miſtaken Appropriation of the public Money, the Committee purpoſe, when the Parties conſent, and as the Seaſon offers, to ſend them back to Europe. Mr. Martyn acquainted us that the State of the Fund was fully adequate to the Charge of paying the Charter-party Paſſage on that Account, ſo that the Company would not incur the Expence of tranſporting theſe Vagrants, whoſe principal Cauſe of Diſtreſs ariſes from the Difficulty of their finding Employment in Calcutta; and that we were only requeſted to direct occaſionally that they ſhould be received on board the Indiamen, and after their Releaſe from Gaol detained in Fort William or ſome other Place, at the Charge of the Committee, until the Ship ſhould be ready to take her Departure. We approved of the Plan, and of courſe inſtructed our Secretary to let Mr. Martyn know that the Committee's Application would be readily agreed to; and we have no Doubt of its meeting with your Approbation. Cons. 26th Oct.

Extract of Public Letter to Bengal, dated 8th February 1792.

Para. 58. We have come to a Reſolution to permit 104 Perſons to proceed to the Eaſt Indies this Seaſon under Free Mariners Indentures. We think it neceſſary upon this Occaſion to require your Sentiments concerning the Expediency of allowing Perſons of this Deſcription to go out annually from this Country, for the Purpoſe of providing for themſelves in the Way of their Profeſſion, and whether and in what Degree the Commerce of India in general or the Company's Intereſts in particular are or are not promoted thereby. If you ſhall think that the Meaſure of ſending out Perſons in the ſea-faring Line is of general Utility, you will communicate to us your Opinion as to the Number to whom this Indulgence ſhould be annually extended, ſo far as reſpects the Trade and Commerce of your Settlement in particular.

EXTRACT BENGAL PUBLIC CONSULTATIONS, 24th February 1792.

Read a Letter and its Incloſure from the Superintendant of the Police, to Earl Cornwallis, K. G. Governor General in Council.

My Lord,

A very daring Robbery having been committed laſt Night by Four Europeans, between Eight and Nine o'clock, on the Road leading from the Riding School No. VIII.

to the New Fort, accompanied with Circumſtances of Violence as ſet forth in the encloſed Depoſition, I take the Liberty to requeſt your Lordſhip's Permiſſion to offer a Reward of 300 Rupees for the Diſcovery of each of the Perſons concerned in the above Outrage.

I am, &c.

Police Office,
23d February 1792.

(Signed) G. C. Meyer,
Sup^t.

Extract from the Proceedings of the Police Office, under Date the 23d February 1792.

Mr. John Wallace depoſes on Oath, That at about a Quarter before Nine yeſterday Evening, as he was going in his Palankeen down the Road leading from the Riding School towards the Fort, he was aſſaulted by Four Europeans armed with Bludgeons, at about 200 Yards from the School, where they robbed him of a Pair of Silver Shoe Buckles, and ſtruck a Bearer belonging to his Palankeen a violent Blow on the Head, which knocked him down.

That having robbed him, they ſtruck him a Blow with a Bludgeon, and made towards Fort William: That they had no Coats on; that it being dark, he could not diſcern whether the Men were Soldiers, but that they talked Engliſh.

That the Buckles coſt about 60 Rupees at Madras.

A true Extract.

(Signed) W. C. Blacquaire,
Aſſ^t D^y Sup^t.

Agreed, That the Superintendant of the Police be authorized to offer the Reward propoſed in his Letter of the 23d inſtant, for the Diſcovery of each of the Perſons concerned in the Outrage reported by him to the Governor General in Council.

Extract Public Letter to Bengal, dated 16th May 1792.

Para. 7. We concur entirely with you in the Sentiments expreſſed in your Minute on the Revenue Conſultations of the 1ſt April 1791, that it is by no means adviſable that Men not in the Service ſhould be employed in Stations of Truſt and Importance, and are pleaſed therefore to be informed by your ſaid Minutes, that all Stations of Truſt and Reſponſibility in the Public Offices are held by covenanted Servants, and that the Duty of the European Monthly Writers employed therein extends to little more than the tranſcribing of Papers, which Duty, from the public Proceedings having become ſo voluminous, muſt for the moſt Part devolve upon Perſons of this Deſcription. As, however, we wiſh the junior Part of our Servants to be regularly initiated in the Knowledge of the Buſineſs in the different Departments, in order to qualify them for more important Situations, you will continue to follow the Directions contained in our Letter of the 19th March 1790, for diſtributing them as they arrive in the reſpective Offices, which will enable you, as we enjoin you to do, to make a proportionate Reduction in the Eſtabliſhment of European Monthly Writers, the Expence of which, we are concerned to obſerve, by an Account made up 30th April 1790, amount to upwards of £34,000 per Annum.

8. Before we quit this Subject, we muſt ſignify our Acquieſcence, for the Reaſons aſſigned on the Proceedings referred to in the 27th Paragraph of your Revenue Letter of the 10th Auguſt laſt, in the Deviation from our ſaid Orders, by the Appointment of ſeveral Perſons to be Second Aſſiſtants under the Collectors.

EXTRACT BENGAL PUBLIC CONSULTATIONS,
20th July 1792.

THE Board underſtanding that it frequently happens that Europeans of the lower Claſs, deſtitute of any Friends or Connections in the Country, are found in the Streets of Calcutta, labouring under Diſeaſes which often become fatal merely for want of proper Care and Medical Aſſiſtance; and being of opinion that Perſons

ſons ſo circumſtanced are proper Objects of Relief in the Honourable Company's Hoſpital at their Expence; whereas at preſent any Individuals who, yielding to the Dictates of Humanity, are induced to recommend poor Objects for Admiſſion therein, are charged with the monthly Expence of their Maintenance:

Agreed and ordered, That the Superintendant of the Police be authorized to ſend for Admiſſion into the General Hoſpital any Europeans of the Deſcription and under the Circumſtances above mentioned, who may be found in the Streets of Calcutta, or its Neighbourhood.

Ordered alſo, That the Hoſpital Board be inſtructed to give Orders for the Reception into the General Hoſpital of ſuch Europeans as may be ſent for Admiſſion by the Superintendant of the Police, and that they report to the Board through that Officer, monthly, the Numbers admitted and diſcharged, with the Expence of their Maintenance, and any other Charge that may have been incurred on their Account.

Read a Letter from Mr. John Lawrence, to Edward Hay Eſquire, Secretary to Government.

Sir,

John Woods, a poor and unfortunate European, begs Leave, through me, to acquaint the Honourable Board, that he is very ſick, and hopes that he may be permitted to receive the Benefit of their Hoſpital for the Cure of his Diſorder, the Dyſentery, of above a Twelve-month's Standing, or he will inevitably periſh in the Street.

I have the Honour to be,

Calcutta, &c. &c.

29th July 1792. (Signed) JOHN LAWRENCE.

Agreed, That the Requeſt contained in the above Letter be complied with.

Extract Public Letter from Bengal, dated 3d September 1792.

Letter to, 8th February 1792. Paragraph 58 One hundred and four Perſons permitted to India this Seaſon, Free Mariners, deſire our Sentiments as to the Expediency of allowing Perſons of this Deſcription to go out annually, and whether the Commerce of the Country or the Company's Intereſts are promoted thereby.

Paragraph 37. This Subject, which we deem of more than ordinary Conſequence, having been brought before us, we ſhould ill diſcharge the Duty you have aſſigned to us, if we did not deliver our Opinion upon it, without the leaſt Reſerve. We ſhall not, therefore, heſitate in aſſuring you, that we think it extremely adviſable, under the preſent Circumſtances of the Company's Trade and Situation in India, that you ſhould not only confine to very few Inſtances every Year (we could wiſh that the Number ſhould not exceed Five or Six, or at the utmoſt Ten) your Licence to Individuals to proceed to this Country as Free Merchants, or Free Mariners, but that particular Care ſhould be taken, when you grant it, that the Perſons on whom you beſtow this Mark of Favour are from their Characters entirely deſerving of it.

38. We beg Leave to take this Occaſion to obſerve, that although many Years ago a Diſtinction may, and we believe was maintained, between thoſe who viſited India as Free Merchants, and thoſe who came to it as Free Mariners, (a Diſtinction revived in late Diſpatches from your Honourable Court, who have not often given Licences to Free Mariners,) the Habits obtained in a long Period of Time, and Circumſtances connected with the Policy upon which Men vary in their Judgments of bounding the mercantile Speculations of Individuals, or allowing them full Scope, while the latter, which is certainly the moſt liberal, has ſeemed alſo to prevail in the Opinion of Men who wiſh well to the People of this Country, have gradually brought upon a Level the Perſons who came out with your Leave as Free Merchants, to exerciſe their Diſcretion in trading from one Part of India to another, or reſiding at any fixed Place, to engage in Commerce; and the Free Mariners, whoſe Licence, according to the old and original Intention, was limited to the Maritime Trade, in the Purſuit of which they were themſelves to travel from Place to Place, without being entitled by their Covenants (as theſe were intended

intended to be underſtood) to take up their Abode, and ſettle for Commercial Purpoſes in one Part of India in preference to another.

39. It ſeems impoſſible to renew this Diſtinction in Practice, without exerciſing a very great Degree of Severity, which we believe not to be in Contemplation; and we think, that although it were renewed, you could never be quite certain of its being rigidly adhered to.

40. The Situations of Free Merchants and Free Mariners being thus ſuppoſed to be not diſſimilar, it ſeems to be of little Conſequence whether the Licences be granted under one Denomination or the other, but a Reſtraint upon the Number is extremely neceſſary; for there is not a Part of India that is not principally inhabited among the Europeans by Perſons who are not upon the Civil or Military Eſtabliſhment of your Service; many have not the Means, and ſome not the Inclination to carry on Trade, and they become a Burthen to the Society in which they live.

41. It may certainly be ſaid, that it were better to give an expreſs Authority to Perſons to trade in India, than that a great Variety of People from England ſhould be here without any Licence whatever; and we ſhould admit the Poſition if it ſtood by itſelf: but as it is very eaſily practicable to remove from the Country all thoſe who are in it without your Permiſſion, and thoſe who have that Permiſſion ſometimes aſſume Rights and Pretenſions that are not perfectly juſtifiable, and cannot, under their Covenants, be ſent away but upon a Notice of not leſs than Twelve Months, we hold a more direct Control over the unlicenſed European, who may be forced to quit the Country on a Day's Notice, than we are thought to poſſeſs over the Man who produces his Indenture to ſhew that he trades on an Authority ſuperior to our own.

42. There are many Inſtances to prove the Importance of your being perfectly ſatisfied upon ſufficient Evidence in England, as to the Characters of the Perſons to whom alone your Licences ſhould be granted. A very recent Caſe was lately before us, of a Mr. Michael M'Namara, who went to England in the Year 1789, in conſequence of an Order from Government, upon a full Aſſurance of his very improper Conduct in different Parts of Bengal. He probably ſtated his Situation as deſerving of Compaſſion, and himſelf as much oppreſſed, and the Humanity of the Court, perhaps, was intereſted to allow of his Return. He came to Bengal with the Indenture of a Free Mariner, and he had not been many Weeks here when he brought forward the very ſame Complaint of Ill-uſage that had been rejected in 1789, after an Inquiry, the Reſult of which induced us to order him out of the Country.

43. We have given Mr. Michael M'Namara Notice that he muſt be prepared to leave Bengal at this Time Twelvemonths, and we truſt that he will not be allowed to return to it.

Extract Public Letter to Bengal, dated 25th February 1793.

Letter from, 25th November 1791, (Par. 128.) Perſons releaſed from Jail by the Subſcribers for the Relief of Inſolvent Debtors, to be ſent home as Charter-Party Paſſengers.

75. There appears upon the Face of this Paragraph ſufficient Reaſon for your having agreed to the Application to the Sheriff of Calcutta, that Perſons releaſed from Jail by the Subſcribers for the Relief of Inſolvent Debtors, be ſent home as Charter-Party Paſſengers.

Extract Public Letter to Bengal, dated the 15th April 1795.

Letter from, 3d September 1792 (37 a. 44.) Free Merchants and Free Mariners Opinion as to the Expediency of their Appointments.

35. We will give due Conſideration to your Repreſentation of the Inexpediency of permitting more than Five or Six, or at the utmoſt Ten Free Merchants or Free Mariners to proceed to India in any One Year. In conſequence of what is ſtated in the 42d and 43d Paragraphs reſpecting Mr. Michael M'Namara, we approve of the Notice which has been given him for his quitting India, and you may rely upon his not being ſuffered to return with Permiſſion from the Company.

EXTRACT

EXTRACT BENGAL REVENUE CONSULTATIONS,
11th February 1793.

Extract of Earl Cornwallis's Minute.

69. *Seventh. Britiſh Subjects (the King's Officers employed in this Country, and the Civil and Military covenanted Servants of the Company excepted) not to be permitted to reſide beyond the Limits of the Town of Calcutta, unleſs they ſhall enter into a Bond obliging themſelves to ſubmit to the Juriſdiction and Decrees of the Country Courts of Judicature in any Civil Actions that may be inſtituted againſt them by Natives. All Britiſh Subjects (not being King's Officers, or Civil or Military covenanted Servants of the Company) now reſiding beyond the Limits of Calcutta, who ſhall omit or refuſe to execute the Bond required, to be obliged to repair to Calcutta at the Expiration of Twelve Months from the Date of the Publication of this Order, but to be allowed to continue in the Country upon their preſent Footing during the above Period, for the Purpoſe of ſettling their Affairs.*

70. The Neceſſity of adopting this Regulation has been long felt, and for the Reaſons aſſigned in the preliminary Remarks to theſe Propoſitions it will daily become more urgent, as the Reſtrictions on the Trade between this Country and Great Britain may be leſſened or withdrawn. Britiſh Merchants have a ready Means of recovering their Claims upon Natives, by Application to the Country Courts, but the latter have no Mode of obtaining Redreſs againſt the former but by a Proſecution in the Supreme Court of Judicature at Calcutta. There are many Britiſh Merchants and Traders reſiding in the interior Parts of the Country of moſt reſpectable Character, and whoſe Dealings with the Natives have ever been regulated by the moſt fair and liberal Principles; but there are and muſt always be many of oppoſite Characters. The Cultivators of the Soil and the Manufacturers are the Claſſes of People moſt likely to ſuffer from the Oppreſſion or unfair Dealings of Merchants and Traders of the latter Deſcription; to lay them under the Neceſſity of repairing perhaps many Hundred Miles to proſecute their Claims upon ſuch Perſons, in a Court judging and deciding by Laws and in a Language with both of which they are equally unacquainted, and at an Expence which none but the Opulent can ſupport, is nearly tantamount to precluding them from all Redreſs. To render the Remedy of the Weak againſt the Strong ſo difficult, whilſt the former are enabled to obtain Redreſs againſt the latter with ſuch Facility, is both unjuſt and impolitic. The propoſed Regulation will afford a permanent Security to the Trading Part of the People againſt the Oppreſſion of private Merchants and Traders, and at the ſame Time give them a Confidence in the Juſtice of our Government, and convince them of our Solicitude for their Welfare. Such of theſe Merchants and Traders as wiſh to carry on their Commerce upon fair Principles, cannot with Reaſon object to ſubmit their Diſputes with the Natives to Courts ſo reſpectable as thoſe in which it is now propoſed to render them cognizable, eſpecially as they will have an Appeal to the Supreme Government in its Capacity of a Court of Suddar Dewanny Adawlut, whenever they may be diſſatisfied with the Deciſions of the Zillah or City Courts, or (in certain Caſes) the Provincial Courts of Appeal; at all Events, the Intereſts of the Body of the People and the Public ought not to be made ſubſervient to the Views of Individuals.

71. All Foreign Europeans reſiding beyond the Limits of Calcutta (excepting French Subjects) are already amenable to the Country Courts of Judicature; conſequently it is not neceſſary to oblige them to execute the Engagement propoſed to be required from Britiſh Subjects with reſpect to French Subjects who ſhall refuſe to ſubmit to the Juriſdiction of the Country Courts in the Caſes in which it is propoſed that the Britiſh Subjects above deſcribed ſhall render themſelves amenable. I am of opinion that they ought not to be permitted to reſide out of the Limits of the Six Factories mentioned in the 4th Article of the Convention of the 31ſt Auguſt 1787.

The Board approve of the ſeveral Arrangements propoſed by the Governor General, and reſolve that they be carried into Execution as early as Circumſtances may admit.

EXTRACT OF BENGAL JUDICIAL CONSULTATIONS,
20th September 1793.

The Secretary lays before the Board the following Form of a Bond received from the Company's Attorney, in conformity to the Orders of the 31ſt July laſt, together with the Opinions of the Advocate General and the Company's Standing Counſel:

" KNOW all Men by theſe Preſents, That I of but now about to reſide at in the Zillah or Diſtrict of in the Province of am held and firmly bound unto Judge of the Dewanny Adawlut of the ſaid Zillah or Diſtrict of in the Sum to be paid to the ſaid his Executors or Adminiſtrators, for which Payment well and truly to be made, I do hereby bind myſelf, my Heirs, Executors and Adminiſtrators, firmly by theſe Preſents, ſealed with my Seal, dated this Day of in the Year of our Lord

" Whereas the Governor General in Council of Fort William in Bengal, acting for and on Behalf of the United Company of Merchants of England trading to the Eaſt Indies, hath, by virtue of certain Powers and Authority in him veſted previous to the Date thereof, Reſolved, That no Britiſh Subject, excepting the Officers of and belonging to the Army of His Majeſty the King of Great Britain, and the Civil and Military covenanted Servants of the ſaid United Company, ſhall reſide or take up a temporary or other Abode at a greater Diſtance from Calcutta, at Fort William aforeſaid, than Ten Engliſh Miles Standard Meaſurement, unleſs ſuch Britiſh Subject ſhall, previous to or at the Commencement of ſuch Abode or Reſidence, execute a Bond or Obligation on ſuch Penalty as the Governor General in Council of Fort William aforeſaid, for the Time being, ſhall duly direct to the Judge of the Dewanny Adawlut for the Time being, of the Zillah or Diſtrict in which ſuch Britiſh Subject ſhall be about to reſide, his Heirs, Executors, or Adminiſtrators, with Condition that ſuch Britiſh Subject ſhall and will from Time to Time, and at all Times thenceforward, ſubmit and be amenable to the Dewanny Adawlut or Court of Juriſdiction of ſuch Zillah or Diſtrict, in all Civil Suits that may be inſtituted againſt them by any Native or other Inhabitant, not being a Britiſh Subject or Reſident within the Limits of Calcutta, of the Provinces within the Territorial Acquiſitions of the ſaid United Company, provided the Amount in Value of the Matter in diſpute between the Parties of ſuch Suit do not exceed the Sum of 500 Sicca Rupees: And whereas the above-bounden is a Britiſh Subject, and hath, under and ſubject to the herein-before recited Reſolution of the Governor General in Council of Fort William aforeſaid, obtained Permiſſion and Licence of and from the ſaid Governor General in Council to reſide at in the Zillah or Diſtrict of in the Province of in Conſideration whereof he the ſaid hath agreed to execute and deliver this preſent Bond or Obligation:

" Now the Condition of this Obligation is ſuch, that if the above-bounden his Heirs, Executors, and Adminiſtrators, and every of them do, and ſhall from Time to Time and at all Times herein-after, on his and their Parts and Behalves, in all Things well and duly ſtand to, obey, abide, perform, obſerve, fulfil, keep, and ſatisfy all and every the Order and Orders, Decree and Decrees, Judgment and Judgments of the Dewanny Adawlut, or Court of Civil Juriſdiction, eſtabliſhed by the Authority of the ſaid United Company, or of the Governor General in Council, and of the ſaid United Company in the ſaid Zillah or Diſtrict of in the ſaid Province of or of the Judge or Judges of the ſaid Court for the Time being, in all and every Suit or Suits, Action or Actions, which now is, are, or hereafter ſhall or may be brought, commenced, inſtituted, ſued, or proſecuted againſt the ſaid by any Native or Natives, or other Inhabitants (not being a Britiſh Subject or Subjects, or reſident within the Limits of the Town of Calcutta at Fort William aforeſaid) of any of the Provinces

Provinces dependent upon or within the Territorial Acquiſitions of the ſaid United Company, provided the Matter in diſpute between the Parties, or the Cauſe or Cauſes of each and every ſuch Suit or Suits, Action or Actions, doth not and ſhall not reſpectively, at the Time of commencing ſuch Suit or Suits, Action or Actions, exceed in Value the Sum of 500 Sicca Rupees; or if the ſaid his Heirs, Executors, and Adminiſtrators ſhall and do well and truly ſtand to, abide by, obey, fulfil, and ſatisfy all and every the Order and Orders, Decree or Decrees, Judgment or Judgments, which, in caſe of any Appeal of ſuch Suit or Suits, Action or Actions, duly and regularly made from the ſaid Dewanny Adawlut to the proper Court or Courts of Appeal, ſhall be duly and regularly made by ſuch Court of Appeal as ſhall finally hear, decide, and determine ſuch Suit or Suits, Action or Actions; and if the ſaid his Heirs, Executors, and Adminiſtrators, or any or either of them, ſhall not and do not, in and relating to ſuch Suit or Suits, Action or Actions, apply for any Writ or Writs of Surceaſe, to iſſue out of and from the Supreme Court of Judicature at Fort William in Bengal aforeſaid, according to the Manner and Form preſcribed and mentioned in the Charter or Letters Patent for eſtabliſhing the ſame, then this Obligation to be void and of none Effect, otherwiſe to be and remain in full force and virtue.

" Signed, ſealed, and delivered (where no Stamps are in uſe or to be had) in the Preſence of - -

" N.B.—I have a Doubt of the Legality and Efficacy of a Bond of this Deſcription, if ever it ſhould be ſued on; and it appears to me alſo as if it might ultimately involve a very ſerious Queſtion, namely, whether the Supreme Courts, notwithſtanding the Statute, might not, in Caſes of Deciſion in Country Courts, in conſequence of the Covenant herein ſubjecting the Party executing to ſuch Juriſdiction, be enabled, if the Matter were properly brought, to take Cognizance of the Proceedings of the Servants of the Government and of the Company in their Judicial Capacities.

(Signed) J. Shaw."

The Doubt expreſſed by Mr. Shaw as to the Legality and Efficacy of any Bond executed by a Britiſh Subject for the Purpoſe ſpecified in this Draft, and the Orders which accompany it, I cannot deny to be well founded. The Supreme Court, ever ſince it has exerciſed an excluſive Juriſdiction in all Caſes where Britiſh Subjects reſident in theſe Provinces have been Defendants, and under the King's Charter, and the ſeveral Statutes relating to it, my Opinion is, that Britiſh Subjects in Bengal, Behar, and Oriſſa, are amenable to the Supreme Court only. Hence it follows, that no Power, except that of an Act of Parliament, can compel Britiſh Subject to obey the Proceſs or Decrees of the Dewannee Courts, and I am ſtrongly inclined to think, that any voluntary Engagement entered into by a Britiſh Subject, agreeing to ſubmit himſelf as a Defendant to their Juriſdiction, would be conſidered as againſt the Policy and Proviſions of the Charter and Statutes eſtabliſhing the Supreme Court, and therefore void.

The only Argument I can ſuggeſt which could be urged in Support of ſuch an Agreement is, that it amounts to no more than a Submiſſion to abide by an Award; but in that Light even I fear it could not be ſucceſsfully placed, and if it could, ſome of the Conſequences alluded to by Mr. Shaw might certainly follow. The Bond can be enforced only in the Supreme Court, and if that Court ſhould not (as there is great Reaſon to apprehend it would) pronounce it to be illegal, but ſhould hold it valid as a Submiſſion to an Award, it follows that the Juſtice and Propriety of the Deciſion in the Dewannee Courts, as well thoſe of Appellate as of Original Juriſdiction, might be queſtioned in the Supreme Court, and ſubmitted to its Determination by Proceedings ſimilar to thoſe which may take place in Caſes of other Awards. This would be a Conſequence reſulting from the Regulation to which the Bond in queſtion is meant to have Effect, contrary to the Spirit of the Statute exempting the Judicial Acts of the Company's Servants, in certain Caſes, from the Cognizance of the Supreme Court, and cannot be de-

ſirable, notwithſtanding the ſtrong Diſpoſition the Supreme Court, as now conſtituted, uniformly manifeſts to ſupport the Authority of Government.

The foregoing Obſervations I have thought it my Duty to make, in addition to thoſe which have fallen from Mr. Shaw, although I do not think it probable that any Conteſt will ariſe, if the Regulation ſhould be continued. It is in itſelf not only convenient, but alſo extremely humane; and while its Operation is limited to ſo ſmall a Sum as 500 Rupees, there is ſcarcely any Reaſon to fear that Deciſions under it will be diſputed, unleſs they ſhould go to the Eſtabliſhment of general Queſtions of Right; or Parties, in order to evade the Intention of Government in limiting the Sum, ſhould ſplit or ſubdivide their Agreements: ſuch Caſes are not likely often to occur; and it may be provided for and prevented by ſome additional Regulation, or by Inſtructions from the Board to the Moſuſſul Adawluts.

(Signed) Wm Burroughs,
Advocate General.

A. D. 1793. Regulation XXVIII.

A REGULATION for prohibiting Britiſh Subjects (excepting King's Officers ſerving under the Preſidency of Fort William, and the Civil Covenanted Servants of the Company, and their Military Officers) reſiding at a greater Diſtance from Calcutta than Ten Miles, unleſs they render themſelves amenable to the Courts of Dewanny Adawlut in Civil Suits which may be inſtituted againſt them by any of the Deſcriptions of Perſons mentioned in Section VII. Regulation III. 1793; and for enabling Britiſh Subjects to recover any Demands recoverable under the Regulations which they may have upon ſuch Perſons. Paſſed by the Governor General in Council, on the 1ſt of May 1793; correſponding with the 21ſt Byſaak, 1200 Bengal Era; the 6th Byſaak, 1200 Fuſſily; the 21ſt Byſaak, 1200 Willaity; the 6th Byſaak, 1850 Sumbut; and the 19th Ramzaan, 1207 Higere.

BRITISH Subjects reſiding in the interior Parts of the Country, for Commercial Purpoſes, may recover with Facility, and at a moderate Expence, their Claims upon the Natives, or other Inhabitants of the Company's Territories, who are declared amenable to the Courts of Dewanny Adawlut in Section VII. Regulation III. 1793, by inſtituting a Suit againſt them in the Court of the Zillah or City in which they reſide. But the Natives of the Country, and all other Perſons ſubject to the Juriſdiction of the Dewanny Courts, have no Means of obtaining Redreſs againſt ſuch Britiſh Subjects, but by ſuing them in the Supreme Court of Judicature at Calcutta. The Manufacturers, therefore, as well as the immediate Cultivators of the Soil, and the lower Orders of the People, with whom ſuch Britiſh Subjects neceſſarily have extenſive Dealings, are in fact precluded from all Redreſs, in the Event of their being wronged, as it is obviouſly impracticable for the Generality of Perſons of theſe Deſcriptions to quit their Families and Occupations, and perform a Journey, probably of ſeveral hundred Miles, to ſue for ſmall Demands in a Court proceeding and deciding according to Laws and in a Language with both of which they are equally unacquainted, and at an Expence that the Opulent only can ſupport. The Extenſion of Commerce and Agriculture, and conſequently the future Proſperity of the Country, depending upon due Protection and Encouragement being afforded to the Manufacturers, the Cultivators of the Soil, and the other Claſſes of the lower and induſtrious Orders of the People, and it being alſo equitable that Britiſh Subjects of every Deſcription ſhould be enabled to recover all Demands, excepting ſuch as may be declared not recoverable, which they may have upon the Natives, or other Perſons deſcribed in Section VII. Regulation III. 1793, the Governor General in Council has enacted the following Rules:

Britiſh Subjects (with certain Exceptions) not to be [illegible]

II. Britiſh Subjects (excepting King's Officers ſerving under the Preſidency of Fort William, the Civil Covenanted Servants of the Company, and their Military Officers,) ſhall not be permitted to reſide at a greater Diſtance from Calcutta than Ten Miles, unleſs they enter into a Bond rendering themſelves amenable to the Court

Court of Dewanny Adawlut, within the Juriſdiction of which they may reſide, in all Civil Suits that may be inſtituted againſt them by Natives or Inhabitants of either of the Provinces of Bengal, Behar, or Oriſſa, coming within the Deſcriptions of Perſons declared amenable to the Zillah and City Courts, by Section VII. Regulation III. 1793, for any Sum of Money or Thing, the Amount or Value of which ſhall not exceed 500 Sicca Rupees.

lowed to reſide further from Calcutta than Ten Miles, unleſs they execute the Bond in Section 3.

III. The following is the Form of the Bond to be executed by ſuch Britiſh Subjects:

Form of the Bond.

"KNOW all Men by theſe Preſents, That I of but now about to reſide at in the Zillah or Diſtrict of (or in the City of) in the Province of am held and firmly bound unto Judge of the Dewanny Adawlut of the ſaid Zillah or Diſtrict (or City of) in the Sum of , to be paid to the ſaid , his Executors or Adminiſtrators; for which Payment well and truly to be made, I do hereby bind myſelf, my Heirs, Executors, and Adminiſtrators firmly by theſe Preſents. Sealed with my Seal; dated this Day of in the Year of Our Lord ."

"Whereas the Governor General in Council of Fort William in Bengal, acting for and on Behalf of the United Company of Merchants of England, trading to the Eaſt Indies, hath, by virtue of certain Powers and Authority in him veſted previous to the Date hereof, reſolved, that no Britiſh Subject, excepting the Officers of and belonging to the Army of His Majeſty the King of Great Britain, ſerving under the Preſidency of Fort William, and the Civil covenanted Servants of the ſaid United Company, and their Military Officers, ſhall reſide or take up a temporary or other Abode at a greater Diſtance from Calcutta at Fort William aforeſaid, than Ten Engliſh Miles Standard Meaſurement, unleſs ſuch Britiſh Subject ſhall previous to or at the Commencement of ſuch Abode or Reſidence execute a Bond or Obligation in ſuch Penalty as the Governor General in Council of Fort William aforeſaid for the Time being ſhall duly direct, to the Judge of the Dewanny Adawlut for the Time being of the Zillah or Diſtrict (or City) in which ſuch Britiſh Subject ſhall be about to reſide, his Heirs, Executors, or Adminiſtrators; with Condition that ſuch Britiſh Subject ſhall and will, from Time to Time and at all Times thenceforward, ſubmit and be amenable to the Dewanny Adawlut, or Court of Civil Juriſdiction of ſuch Zillah or Diſtrict (or City), in all Civil Suits that may be inſtituted againſt him by any Native or other Inhabitant (not being a Britiſh Subject, or reſident within the Limits of Calcutta,) of the Provinces within the Territorial Acquiſitions of the ſaid United Company, provided the Amount or Value of the Matter in Diſpute between the Parties in ſuch Suit does not exceed the Sum of 500 Sicca Rupees: And whereas the above-bounden is a Britiſh Subject, and hath, under and ſubject to the herein-before recited Reſolution of the Governor General in Council of Fort William aforeſaid, obtained Permiſſion and Licence of and from the ſaid Governor General in Council to reſide at in the Zillah or Diſtrict (or City) of in the Province of , in Conſideration whereof, he the ſaid hath agreed to execute and deliver this preſent Bond or Obligation:

"NOW the Condition of this Obligation is ſuch, That if the above-bounden , his Heirs, Executors, and Adminiſtrators, and all and every of them, do and ſhall from Time to Time and at all Times hereafter, on his and their Parts and Behalves, in all Things well and truly ſtand to, obey, abide by, perform, obſerve, fulfil, keep, and ſatisfy all and every the Order and Orders, Decree and Decrees, Judgment and Judgments of the Dewanny Adawlut, or Court of Civil Juriſdiction eſtabliſhed by the Authority of the ſaid United Company, or of the Governor General in Council of and for the ſaid United Company in the ſaid Zillah or Diſtrict (or City) of , in the ſaid Province of , or of the Judge or Judges of the ſaid Courts for the Time being, in all and every Suit or

Suits, Action or Actions, which now is or are or hereafter ſhall or may be brought, commenced, inſtituted, ſued, or proſecuted againſt the ſaid

by any Native or Natives, or other Inhabitant or Inhabitants (not being a Britiſh Subject or Subjects, or reſident within the limits of the Town of Calcutta at Fort William aforeſaid) of any of the Provinces dependant upon or within the Territorial Acquiſitions of the ſaid United Company; provided the Matter in Diſpute between the Parties, or the Cauſe or Cauſes of each and every ſuch Suit or Suits, Action or Actions, doth not and ſhall not reſpectively, at the Time of commencing ſuch Suit or Suits, Action or Actions, exceed in Value the Sum of 500 Sicca Rupees, or if the ſaid

his Heirs, Executors, and Adminiſtrators, ſhall and do well and truly ſtand to, abide by, obey, fulfil, and ſatisfy all and every the Order and Orders, Decree or Decrees, Judgment or Judgments, which in caſe of any Appeal of ſuch Suit or Suits, Action or Actions, duly and regularly made from the ſaid Dewanny Adawlut to the proper Court or Courts of Appeal, ſhall be duly and regularly made by ſuch Court of Appeal as ſhall finally hear, decide, and determine ſuch Suit or Suits, Action or Actions; and if the ſaid

his Heirs, Executors, and Adminiſtrators, or any or either of them, ſhall not and do not, in and relating to ſuch Suit or Suits, Action or Actions, apply for any Writ or Writs of Surceaſe to iſſue out of and from the Supreme Court of Judicature at Fort William in Bengal aforeſaid, according to the Manner and Form preſcribed and mentioned in the Charter or Letters Patent for eſtabliſhing the ſame, then this Obligation to be void and of no Effect; otherwiſe, to be and remain in full force and virtue.

"Signed, ſealed, and delivered, where no Stamps are to be had, in the Preſence of - - -"

Where the Bond is to be executed and depoſited.

IV. The Bond is to be executed in open Court, before the Judge of the Court within the Juriſdiction of which ſuch Britiſh Subject may reſide or take up his Abode, unleſs the Court ſhall have been adjourned, in which Caſe it is to be executed before the Judge out of Court. The Bond is to be depoſited amongſt the Records of the Court.

New Bond to be executed when any ſuch Britiſh Subject ſhall remove into another Juriſdiction.

V. If any ſuch Britiſh Subject, reſiding within the Juriſdiction of a Zillah or City Court, who may have executed the Bond contained in Section III. ſhall hereafter remove into the Juriſdiction of any other Zillah or City Court, to any Place being at a greater Diſtance from Calcutta than Ten Miles, he ſhall execute a new Bond to the ſame Effect, which ſhall be depoſited in the Dewanny Adawlut of the Zillah or City in which he may ſo take up his Abode; and all ſuch Britiſh Subjects, whether they may have previouſly executed the Bond in Section III. or not, upon proceeding to any Place within the Juriſdiction of a Zillah or City Court, and being at a greater Diſtance from Calcutta than Ten Miles, with a View to reſide there, ſhall, within Ten Days after their Arrival in ſuch Juriſdiction attend before the Judge of the Court to execute the preſcribed Bond, and in Default of their ſo attending, the Judge ſhall ſummon them to attend for that Purpoſe, by a Writing under the Seal of the Court and atteſted by the Regiſter.

British Subjects, whether they have previouſly executed the Bond or not, taking up their Reſidence at a greater Diſtance from Calcutta than Ten Miles, to attend before the Judges in Ten Days to execute the Bond. Court to ſummon them if they do not attend.

Judges of the Zillah and City Courts to compel ſuch Britiſh Subjects refuſing to execute the Bond to proceed to Calcutta.

VI. If any ſuch Britiſh Subject now reſiding, or who ſhall hereafter take up his Abode within the Juriſdiction of any Zillah or City Court at a greater Diſtance from Calcutta than Ten Miles, ſhall refuſe to attend before the Judge and to execute the preſcribed Bond, the Judge is to require him, by a written Order under his official Signature and the Seal of the Court, to quit his Juriſdiction within One Month from the Date of the Order, and repair to Calcutta, and in the Event of his not complying with the Order, the Judge is to ſend him to Calcutta under the Charge of his Officers.

Bond to be executed by Perſons not amenable to the Zillah

VII. When any Britiſh Subject or other Perſon, who may not come within the Juriſdictions of Perſons declared amenable to the Juriſdiction of the Zillah and City Courts by Section VII. Regulation III. 1793, ſhall inſtitute a Suit in the Dewanny Adawlut of any Zillah or City Court on his own private Account, or

on

on behalf of any other Perſon, againſt a Perſon amenable thereto, he is to execute an Inſtrument in the Nature of a Bond of Arbitration, according to the Form hereafter recited, declaring himſelf ſubject to the Juriſdiction of the Court for ſo much as ſhall relate to the Suit in queſtion, and bind himſelf to abide by the Award or Decree of the Court in the ſame Manner and to the ſame Extent as the Juriſdiction of the Court is valid againſt the Defendant. If ſuch Plaintiff ſhall refuſe to execute the Inſtrument, his Plaint ſhall not be received or filed.

and City Courts, who may inſtitute a Suit in thoſe Courts againſt any Perſon amenable to their Juriſdiction.

" KNOW all Men by theſe Preſents, That I of am held and firmly bound unto of Eſquire, Judge of the Dewanny Adawlut of the in the Province of in the Sum of to be paid to the ſaid his Executors, Adminiſtrators, or Aſſigns, for which Payment, well and truly to be made, I do hereby bind myſelf, my Heirs, Executors, and Adminiſtrators, firmly by theſe Preſents, ſealed with my Seal, dated this Day of in the Year of Chriſt One thouſand ſeven hundred and .

" Whereas the above-bounden hath, on the Day of the Date hereof, commenced an Action, Cauſe, or Suit, in the ſaid Dewanny Adawlut, before the ſaid againſt :

" NOW the Condition of this Obligation is ſuch, That if the ſaid his Heirs, Executors, and Adminiſtrators, and every of them, do and ſhall, on his and their Parts and Behalves, in all Things well and truly ſtand to, obey, abide, obſerve, perform, and fulfil all ſuch final Judgment and Judgments, Order and Orders, Decree and Decrees, as ſhall or may be at any Time given in the ſaid Action, Cauſe, or Suit in the ſaid Court of Dewanny Adawlut at (and confirmed on Appeal, if the ſame Suit or Cauſe ſhall be appealed), then this Obligation to be void; or elſe to remain in full force and virtue.

" Sealed and delivered (where no Stamps are in uſe or to be had) in the Preſence of -

VIII. Europeans, not Britiſh Subjects, and reſiding out of the Limits of Calcutta, are amenable to the Courts of Dewanny Adawlut in the ſame Manner as Natives, or other Inhabitants coming within the Deſcription of Perſons ſpecified in Section VII. Regulation III. 1793.

All Europeans not Britiſh Subjects, and reſiding out of Calcutta, are amenable to the Courts of Dewanny Adawlut.

Extract Public Letter to Bengal, dated 25th June 1793.

Para. 95. We take this Opportunity of tranſmitting to you ſeveral Copies of an Act, paſſed in the laſt Seſſion of Parliament, intituled, " An Act for continuing " in the Eaſt India Company for a further Term the Poſſeſſion of the Britiſh Territories in India, under certain Limitations; for eſtabliſhing further Regulations " for the Government of the ſaid Territories, and the better Adminiſtration of " Juſtice within the ſame; for appropriating to certain Uſes the Revenues and " Profits of the ſaid Company; and for making Proviſions for the good Order " and Government of the Towns of Calcutta, Madras, and Bombay."

96. From the Numbers and Variety of the Clauſes in this Act, it will be neceſſary for the better underſtanding the ſame that you ſhould peruſe it with the utmoſt Attention; and we direct that you ſtrictly obſerve and fulfil all and every the Proviſions therein contained, as far as reſpects your Preſidency.

Extract Public Letter to Bengal, dated 11th December 1793.

Circular to all the Preſidencies.

Para. 6. The Situation of our Servants in India, and of Perſons reſiding there under the Company's Licence, being very much altered by the Act of the 33d of His preſent Majeſty, Cap. 52. it is become neceſſary to vary their Covenants entered

tered into with us, and make them correſpond with the Proviſions of that Act; we have therefore cauſed all the Covenants heretofore entered into by our Servants and others to be altered, and now ſend you a ſufficient Number of each Sort, to be executed by all Perſons reſident under your Preſidency. We direct that every Perſon in our Service be called upon immediately to execute the Covenants proper to his Station, and that on his refuſing to do ſo, he be diſmiſſed, and have Notice to come home.

7. We alſo direct, that all other Britiſh Subjects reſiding under your Preſidency, whether with or without Licence, be forthwith called upon to execute the Covenants proper to their Stations, and that on Neglect or Refuſal to execute, they have Notice to quit India, which Notice, if they refuſe to obey, you muſt enforce, by ſending them home in ſuch Manner as the Law allows, as we are determined not to permit any Perſons in future to reſide in India without our Licence, and being under proper Covenants, ſo that any Irregularity of Conduct may be more readily corrected.

8. We ſhall at all Times be ready to give Licences to ſuch a Number of proper Perſons to go to India as may be neceſſary for effectuating the Purpoſes of the Act, they entering into the uſual Covenants for their Conduct; but we will not allow any one to proceed or reſide in India without our Licence; and therefore if any Perſon hereafter ſhall preſume to go to India, and appear within your Juriſdiction without our Licence, we require you forthwith to deal with him as an unlicenſed Trader, and ſend him home, before he can make ſuch an Eſtabliſhment in Buſineſs as may be an Excuſe for Time being allowed him to prepare for his Return.

9. Inconvenience having ariſen by Perſons executing only one Set of Covenants, we direct that each Perſon ſhall execute his Covenants in Duplicate, one Copy of which you will keep, and ſend home the other. We ſhall purſue the ſame Plan here, and ſend out one Part of the Covenants to the Preſidency to which the Perſon executing them may belong.

10. You will be careful to have the Covenants you ſend home witneſſed by a Perſon whoſe Hand-writing is well known, and can eaſily be proved in England by Perſons who have ſeen him write, that we may be under no Difficulty of proving them in England, if ſuch Proof upon any Occaſion ſhould become neceſſary.

PUBLIC DEPARTMENT.

Our Governor General in Council at Fort William, in Bengal.

Paragraph 1. In our Letter of the 11th December laſt, we informed you, that it was our Intention to ſend, in conſequence of the late Act of Parliament, a ſufficient Number of Covenants, to be executed by our Servants, and all Europeans reſident under your Preſidency. We have ſince determined, with reſpect to thoſe in the Company's Service, as we can more readily have Acceſs to their Securities than you can, to call on thoſe Securities in England immediately; and on ſuch Security being given, we ſhall tranſmit a Counterpart of each Covenant, with the Company's Seal affixed thereto; which Counterparts you muſt deliver to the Parties concerned, on their executing the Covenants in Duplicate, conformably to the Mode pointed out in the 9th and 10th Paragraphs of our before-mentioned Letter. We have thought it expedient, that the new Covenants which our Servants and others are to enter into in conſequence of the late Act of Parliament, ſhould be dated on the Day on which the Act is directed to take place in India, namely, the 1ſt Day of February 1794: by the Ships Pitt, Royal Admiral, and Lafcelles, you will receive ſuch a Number of Covenants as on a Calculation we deem adequate.

2. With regard to Perſons who reſide under your Preſidency, and have not entered into Covenants of any Deſcription, we have by the above Conveyance ſent a Number of Covenants, of the Denomination of Covenants of "*Free "Merchants,*" "*Free Mariners,*" and of "*Perſons permitted to reſide in India.*" Theſe are calculated to ſuit all Perſons who are to reſide under the Company's Protection; and you will take Care that each Perſon executes one of theſe Deſcriptions,

ſcriptions, in the Mode already pointed out. Each Perſon executing a Free Merchant's Covenant, muſt ſend home the Names of Two reſponſible Perſons in England to enter into Security in the Sum of £2,000; and each Perſon ſigning either of the other two Deſcriptions of Covenants, muſt in like Manner give Security for the Sum of £500; and on ſuch Security being given, we ſhall tranſmit you the Counterparts, to be diſpoſed of as mentioned in the preceding Paragraph.

3. No Difficulty can ariſe among thoſe Perſons who are reſpectable in their Situations or Connections; but in Caſes where the Individuals have not reſpectable Friends in England, as we ſuppoſe ſome of the inferior Deſcription of Shopkeepers may not have, we authorize you to accept of Security from Perſons reſident in India, in which Caſe you will give them a Counterpart under the Company's Seal.

4. We have likewiſe ſent a ſufficient Number of Covenants to be executed by the Military Officers on your Eſtabliſhment, and as it has not been uſual that Security ſhould be given for their Performance of the Covenants, you will deliver to each a Counterpart under the Company's Seal, on their executing in Duplicate as before mentioned.

We are,
Your affectionate Friends,
(Signed) W. DEVAYNES,
JOHN HUNTER, &c. &c.

London,
28th May 1794.

The ſame to Fort St. George and Bombay.

5000.——1793.—Perſons permitted to reſide in India for a limited Time.

" THIS INDENTURE, made the Day of in the Year of the Reign of our Sovereign Lord George the , by the Grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, and ſo forth, and in the Year of our Lord One thouſand ſeven hundred and Between the United Company of Merchants of England trading to the Eaſt Indies of the one Part, and of the other Part: Whereas the ſaid United Company have, at the ſpecial Requeſt and Entreaty of the ſaid and upon the Conditions and Agreements herein contained on the Part of the ſaid to be performed, licenſed and permitted the ſaid to proceed to and reſide at , or any other Place or Places in the Eaſt Indies within the Limits of the ſaid Company's Trade, not exceeding Ten Miles from their principal Settlements, with Licence to continue in the Eaſt Indies aforeſaid for the Term of Years; Now this Indenture Witneſſeth, and the ſaid for himſelf, his Heirs, Executors, and Adminiſtrators, doth by theſe Preſents covenant, promiſe, and agree, to and with the ſaid United Company, in Manner following; that is to ſay, That he the ſaid from the Time of his Arrival at aforeſaid, for and during and unto the full End and Expiration of Years, ſhall and will behave and conduct himſelf from Time to Time, and in all Reſpects, conformable to the Rules, Orders, and Directions of the ſaid United Company, or of their Preſident and Council of or of any other of the ſaid Company's Preſidents and Councils, Agents or Factors, where he ſhall reſide; and that he the ſaid will not, directly or indirectly, carry on any Trade or Traffick himſelf, or ſerve or be in anywiſe aſſiſting to or employed by or for any Foreign Company trading in or to the Eaſt Indies, or any other Perſon or Perſons whatſoever who do or ſhall during the Continuance of theſe Preſents, traffick, adventure, or trade to, in, or from the Eaſt Indies, or elſewhere within the Limits of the ſaid Company's Trade, in any Manner contrary to the true Intent and Meaning of an Act of Parliament, made in the Thirty-third Year of the Reign of His Majeſty King *George* the Third, intituled " An Act for continuing in the Eaſt India Company, for a further Term, " the Poſſeſſion of the Britiſh Territories in India, together with their excluſive " Trade under certain Limitations; for eſtabliſhing further Regulations for the " Government of the ſaid Territories, and the better Adminiſtration of Juſtice " within the ſame; for appropriating to certain Uſes the Revenues and Profits of

" the ſaid Company ; and for making Proviſions for the good Order and Govern-
" ment of the Towns of Calcutta, Madras, and Bombay." Provided always, and it is hereby expreſsly covenanted, declared, and agreed between the Parties to theſe Preſents, and it is the true Intent and Meaning thereof, That in caſe the ſaid ſhall make Default in any of the Covenants herein-before contained, or ſhall, during the ſaid Term of Years, receive Notice from the ſaid Company's Preſident and Council, Agents or Factors, of the Settlement aforeſaid, to quit the ſaid Settlement and return to England for any Miſbehaviour by him the ſaid done or committed towards the ſaid Company, or concerning the Peace and good Order of the ſaid Settlement, that then and in either of the ſaid Caſes he the ſaid ſhall not nor will, on any Account or Pretence whatſoever, ſtay or continue longer in the Eaſt Indies than for the Space of Twelve Months after receiving ſuch Notice ; and that from and immediately after the Expiration of the ſaid Twelve Months it ſhall and may be lawful for the ſaid Company's Preſident and Council at the ſaid Settlement to cauſe the ſaid and his Family to be put on board any Ship employed by the ſaid Company for the Purpoſe of being tranſported to Great Britain at the ſaid Company's Expence ; and in caſe of Refuſal on the Part of the ſaid to cauſe the ſaid to be apprehended and put on board ſuch Ship, together with his Family ; and further, in caſe of ſuch apprehending, putting on board, and tranſporting the ſaid and his Family, in Manner aforeſaid, the ſaid doth hereby covenant, promiſe, and agree, to and with the ſaid United Company, that he the ſaid , his Executors or Adminiſtrators, ſhall not nor will commence, ſue, or proſecute the ſaid Company, or their Court of Directors, or any of their Preſidents and Councils, Agents, Factors, Commanders, and Officers of any ſuch Ship, or any other Perſon employed in any of the Matters aforeſaid, in or by an Action, Suit, or other Proſecution Civil or Criminal, in reſpect of ſuch apprehending him the ſaid or of putting on board and tranſporting him the ſaid and his Family to Great Britain in Manner aforeſaid ; and in caſe any ſuch Action, Suit, or Proſecution ſhall be commenced or proſecuted for any of the Matters aforeſaid, the ſaid doth hereby covenant and agree to and with the ſaid Company, that the General Iſſue may be pleaded, and this Indenture or any other Special Matter may be given in Evidence by all or any of the Defendants in any ſuch Suit, Action, or Proſecution, in bar, diſcharge, and defence thereof, any Thing in theſe Preſents contained to the contrary thereof notwithſtanding. And the ſaid United Company do hereby for themſelves and their Succeſſors covenant, promiſe, and agree to and with the ſaid that he the ſaid truly and faithfully obſerving, fulfilling, and keeping the ſeveral Covenants and Agreements herein expreſſed and contained on his Part, to be obſerved, fulfilled, and kept, ſhall and may peaceably and quietly enjoy the ſaid Company's Protection. And laſtly, it is hereby covenanted, concluded, and agreed by and between the ſaid Parties hereto, That if the ſaid ſhall be permitted to continue in the Eaſt Indies after the Expiration of the ſaid Term of Years hereby ſtipulated, that then ſuch his the ſaid Continuance there ſhall be upon the ſame Terms, Conditions, Covenants, and Agreements as are herein-before expreſſed and contained on his Part during the Term herein mentioned, and not otherwiſe. In Witneſs whereof to One Part of theſe Indentures, the ſaid hath ſet his Hand and Seal, and to the other Part thereof the ſaid United Company have cauſed their Common Seal to be affixed the Day and Year above written.

" Sealed and delivered (being firſt duly ſtamped) in the Preſence of - }

Extract Public Letter from Bengal, dated the 18th Auguſt 1794.

Para. 5. We have not thought proper to avail ourſelves of the Diſcretion allowed to us in the 6th, 7th, 8th, and 9th Paragraphs of your Letter of the 11th December 1793, for granting Licences to Individuals to remain in this Country, as we have not yet received the Forms adverted to in your Inſtructions, which of courſe we deem neceſſary for our Information and Guidance.

EXTRACT BENGAL PUBLIC CONSULTATIONS,
the 24th November 1794.

Agreed in future, That it be made a ſtanding and an eſtabliſhed Regulation and Order, That no Perſons who have arrived in Bengal ſince the 1ſt of January 1794, and remain here ſince the Company's Permiſſion for that Purpoſe, ſhall have Leave to ſettle in any Part of the Country or out of Calcutta. This Order includes Free Mariners, who, according to the Explanations of the Honourable Court of Directors, with reſpect to Free Mariners licenſed to proceed to India, are merely to be conſidered as permitted to trade from Port to Port, not to reſide as Settlers in any particular Country; but it is not to be deemed or taken retroſpectively in its Operation as to any Permiſſions already granted.

EXTRACT BENGAL PUBLIC CONSULTATIONS,
6th March 1795.

The Governor General lays before the Board the following Minute and Reſolutions: No. IV.

I have conſidered with great Attention the Orders of the Honourable the Court of Directors, in their Letters of the 11th December 1793 and 28th May 1794, relating to the Covenants to be executed by the Civil and Military Servants of the Company, and in general by Britiſh Subjects reſiding in India under their Protection, with a View to carry into Execution the Purpoſes of the Honourable Court in the moſt effectual Manner. Theſe Orders were received on the 11th October and 7th December 1794 reſpectively; the firſt Covenants arrived in December laſt by the William Pitt, and the Remainder by the Lafeelles and Royal Admiral.

The different Deſcriptions of Covenants which have been received from the Honourable Court of Directors, are thoſe for,

1ſt, Civil Servants.
2d, Military Servants.
3d, Surgeons and Aſſiſtant Surgeons.
4th, Free Merchants.
5th, Free Mariners.
6th, Perſons permitted to reſide in India for a limited Time; and,
7th, Lawyers.

The Orders of the Honourable Court of Directors direct and enjoin, that every Perſon in the Service of the Company be called upon immediately to execute the Covenants proper to his Station, and that on his refuſing to do ſo he be diſmiſſed, and have Notice to come Home.

That all other Britiſh Subjects reſiding under this Preſidency, whether with or without Licence, be forthwith called upon to execute the Covenants proper to their Stations, and that on Neglect or Refuſal they have Notice to quit India; which Notice, if they ſhould refuſe to obey, muſt be enforced by ſending them Home in ſuch a Manner as the Law allows.

That each Perſon ſhall execute his Covenants in Duplicate, one Copy of which is to remain in India, and the other to be ſent Home. The Covenants are to be witneſſed by a Perſon whoſe Hand-writing is well known, and can be eaſily proved in England by Perſons who have ſeen him write. The Dates of the Covenants to be the 1ſt Day of February 1794.

Each Perſon executing a Free Merchant's Covenant muſt ſend home the Names of Two reſponſible Perſons in England, to enter into Security in the Sum of £2,000; and each Perſon ſigning either of the other Two Deſcriptions of Covenants, viz. thoſe of Free Mariners, or of Perſons permitted to reſide in India, muſt in like Manner give Security for the Sum of £500. Where any Individuals have not reſpectable Friends in England, this Government is authorized to receive Security

Security from Perſons reſident in India, and they are to receive a Counterpart under the Company's Seal. The laſt Paragraph of the Letter of the 28th May 1794 is in the following Terms:

"We have likewiſe ſent a ſufficient Number of Covenants to be executed by "the Military Officers in your Eſtabliſhment; and as it has not been uſual that "Security ſhould be given for their Performance of the Covenants, you will "deliver to each a Counterpart under the Company's Seal, on their executing a "Duplicate as before mentioned."

The Honourable Court further declare, that they will not allow any Perſons in future to proceed to or reſide in India without their Licence, and without entering into the proper Covenants.

On the Covenants to be ſigned by the Civil and Military Servants of the Company, I ſhall not at preſent make any Remarks.

The Covenants to be ſigned by the Surgeons, ſpecify that Permiſſion is granted to the Subſcriber to proceed to India, and to provide for himſelf in the Buſineſs or Profeſſion of Surgeon with an Appointment to ſucceed to the Station of a Surgeon in the Service of the Company. In this reſpect, they are not applicable to the Situation of Perſons who are to ſubſcribe them here, as all thoſe who hold the Office of Surgeon or Aſſiſtant Surgeon, are actually already in the Service by the ſpecial Appointment of the Honourable Court; but as I am ignorant of the Intention which dictated the Form of the Covenant tranſmitted to us, I do not propoſe any Alteration in it. Theſe Covenants further prohibit Surgeons engaging in Trade, but no ſuch Prohibition is in force in Bengal.

From the Terms of the General Letter of the 11th December 1793, it appears to be the Intention of the Honourable Court to grant Licences to Perſons already reſiding in India, whether with or without Permiſſion, on executing Covenants proper to their Stations, but to ſuffer no Perſon in future to reſide in India without their Licence; the Operation of this Prohibition ought in Strictneſs to commence from the Date of its Arrival in India, and it was with a Reference to the Spirit of it, that the Reſolution was paſſed on the 24th of November laſt, making it a ſtanding and eſtabliſhed Regulation of Government, that no Perſons arriving in India after the 1ſt January 1794 without the Company's Permiſſion, ſhould have leave to ſettle in any Part of the Country out of Calcutta: Free Mariners were included in the Reſtriction. One Object of which was to guard againſt the numerous Applications which are daily made by Individuals for Permiſſion to eſtabliſh themſelves in different Parts of the Provinces, or to afford to any unlicenſed Perſons a Plea for obtaining Permiſſion to continue in the Country contrary to the Reſolution of the Honourable Court. But it may be fairer to make the Operation of the Order commence of ſuch a Date as may avoid the Inconvenience of a retroſpective Effect, viz. the 31ſt December 1794.

It is well known, that notwithſtanding the repeated Acts of the Legiſlature declaring it a Miſdemeanour for any Perſon to reſide in this Country without Permiſſion and Authority of the Honourable Court, Numbers of unlicenſed Europeans have arrived in Bengal within theſe few Years, chiefly by Foreign Veſſels; their Arrival remains unknown until a conſiderable Period has elapſed, and perhaps until they have engaged in ſome Concerns, when their Ruin would be the Conſequence of ſending them to Europe, and the Taſk has proved too hard for the Humanity of Government. The Regulation which prevents Europeans deriving Benefit from an unlicenſed Act, may operate in addition to the Exerciſe of the Powers veſted in us by the Legiſlature, to check the Repetitions of it. Of this Nature is the Regulation which I have quoted.

But I do not think that all Perſons who arrived in this Country before the 11th October laſt, and who have ſince remained in it unnoticed, ſhould receive Licences upon ſigning Covenants, but that previous thereto we ought to procure the beſt poſſible Satisfaction that they are proper Perſons to receive the Indulgence. This may partly be obtained from the Magiſtrates and Collectors, and partly from reſpectable Perſons out of the Service.

The Covenants tranſmitted by the Honourable Court do not ſpecify the Period of Reſidence in India for thoſe out of the Service. The generality of unlicenſed Perſons come out as Adventurers, without any particular Object or Profeſſion. The Period

Period of Reſidence may be limited in all Caſes to Five Years, and the Licences which we are authorized to grant may be varied from Two to Five Years.

The Amount of the Security to be taken for thoſe executing Covenants of Free Merchants is £2000. Sterling, and other Perſons, including Free Mariners, £500. Sterling. There may be ſome Europeans of unexceptionable Characters, honeſt and induſtrious Men, who cannot find Security in Half the required Sum. It will, I conceive, be neceſſary to vary the Amount at the Diſcretion of Government.

In order to carry the Regulations of the Honourable Court into Execution, it will be proper in the firſt Inſtance to publiſh Extracts of the General Letters of the 11th December 1793, and 28th May 1794, viz. the 6th, 7th, 8th, 9th, 10th Paragraphs of the former, and the Three firſt Paragraphs of the latter.

In addition to the above, I propoſe the accompanying general Notification to be publiſhed at the ſame Time, and to be annexed to it.

Theſe Notices ſhould be advertiſed in a Gazette Extraordinary, and be repeated in the Weekly Gazette, for Three Weeks ſucceſſively; and I recommend that ſeveral Copies of them be ſent to His Majeſty's Juſtices of the Peace, with a Requeſt to have them publiſhed in different Parts of the Town. It will be proper at the ſame Time that Three Printed Copies of the Notification ſhould be ſent to each Magiſtrate, and to the Reſidents of Oude and Benares, with Inſtructions to the following Effect:

That the Notification be made as public as poſſible, within the Diſtricts under their Charge; that if the Information tranſmitted to them in conſequence of the Requiſition contained in it, ſhould be defective, they are to point out to the Perſons ſending the Information the Defects therein, and require them to rectify them without Loſs of Time; that if any of the Perſons applying for Licences under the preſcribed Conditions ſhould have tranſgreſſed the Regulations of Government, or have otherwiſe behaved improperly, they are to ſtate the ſame when they tranſmit the preferred Applications, which they are to diſpatch on the 21ſt of April next: That if it ſhould come to their Knowledge that any Perſons to whom the Requiſition is addreſſed ſhould omit to comply with it, they are to report their Names.

I have left a Blank for the Name of the Perſons to whom the required Information is to be tranſmitted, as I am decidedly of opinion, that it ought to be the expreſs Duty of One particular Perſon who has Time for the Taſk of collecting and compiling it in a Form for the Deciſion of the Board, who muſt determine what Perſons are to receive Licences on the Execution of Covenants. Similar Information has often been required, through the Secretary of Government; but it cannot be expected amidſt the laborious Details of his public Occupations, that he can find Leiſure for the requiſite Attention to this particular Duty. Many ſubſidiary Regulations will be required, to give Efficacy to the Purpoſes of the Honourable Court in preſcribing the Execution of Covenants by Perſons out of the Service; and all Orders, Applications and Reſolutions ought to paſs through one Channel, as well for the Sake of Conſiſtency as for Facility of Reference: I would propoſe therefore the Appointment of ſome Perſon as Regiſter of Covenants and of Perſons out of the Service, from whom we may at all Times obtain that Information which may be wanted. The Board, from paſt Experience, will know the Neceſſity of a ſtrict Adherence of Forms in granting Licences or Permiſſions to People to reſide in different Parts of the Provinces, and of the Trouble which reſults to them from Application for this Purpoſe. The Duties of the Officer will be further explained in the Courſe of the ſubſequent Remarks.

In the firſt Place, having received the Information required by the Publication, it will be his Buſineſs to prepare and compile a Regiſter of Perſons and Applications, under the different Heads pointed out, for the Knowledge and Deciſion of the Board, which may be done weekly until the Whole be completed. The filling up the Covenants, tranſmitting them for Execution, or attending the Execution of them himſelf, in the Mode preſcribed, will then be neceſſary. An exact Regiſter ſhould be formed of Perſons licenſed to remain in India, with a Column ſpecifying their having ſubſcribed the Covenants, and the Names of the Securities. He will deliver the Licences, and is to prepare the Packets of the Covenants to be tranſmitted to the Honourable Court, with accurate Liſts of them.

The Covenants go no farther than to licenſe the Reſidence of the Subſcribers to them in India, with Liberty to follow a particular Occupation. The Permiſſion to reſide in different Parts of theſe Provinces is granted by the Government, and ſhould be diſtinct from the Covenant. Adverting to this Suggeſtion to the general Object of Controul propoſed by the Honourable Court in requiring the Subſcription of Covenants, and wiſhing as far as poſſible to limit the Diſcretion of Government in Caſes where an Acquieſcence in Applications is with Difficulty withheld, I propoſe the following Rules:

1. That no Britiſh Subjects who have arrived in Bengal ſince the 31ſt December 1794, without the Licence or Permiſſion of the Honourable the Court of Directors, be allowed to execute Covenants or to receive Licences for remaining in India.

2. That no Diſcharges be granted to any Perſons who have contracted to ſerve the Company as Soldiers, until the Expiration of the contracted Period, except upon Condition of their returning to Europe within the preſcribed Time, and upon their giving Security to perform the above Condition. This Reſolution does not of courſe exclude Caſes of Neceſſity from Indiſpoſition.

3. That no Perſons who have arrived in India ſince the 1ſt of January 1794, having executed the Indentures of a free Mariner in England, be permitted to reſide in any Part of the Provinces at a greater Diſtance than Ten Miles from the Preſidency.

4. That no Britiſh Subject, not in His Majeſty's or the Company's Service, be permitted to reſide in any Part of the Company's Provinces, at a greater Diſtance than Ten Miles from Calcutta, without the ſpecial Permiſſion of this Government.

5. That all Applications for ſuch Permiſſion be made to the Regiſter of Covenants, and the Application is to ſpecify the Object for which ſuch Permiſſion is requeſted, and the Period of intended Reſidence.

6. That the Regiſter ſubmit the ſame to the Governor General in Council, with a Certificate that the Perſon has or has not ſigned the preſcribed Covenant, and has obtained a Licence to remain in India.

7. That all Europeans under the Protection of the Company, not being in the Service of His Majeſty or the Company, who have not obtained Permiſſion to reſide in any Part of the Provinces, at a greater Diſtance than Ten Miles from Calcutta, in the Event of their wiſhing to travel to any Place or Station within the Provinces at a greater Diſtance from Calcutta than Thirty Miles, be required to apply for a Paſs to the Regiſter of Covenants.

8. The Regiſter is to tranſmit the Application to the Secretary to the Government, with a Certificate as preſcribed in the preceding Regulation; and the Secretary, upon receiving it, is authorized to grant the Paſs applied for. This Rule is not meant to include Foreigners in the Service of His Daniſh Majeſty, or of the Dutch Eaſt India Company, nor to apply to any Perſons travelling from Calcutta by the River Houghley to the Sea.

9. That all Licences, permitting Britiſh Subjects or Europeans under the Protection of the Company to reſide out of Calcutta, be regiſtered, and that Notice of every ſuch Permiſſion be ſent by the Regiſter of Covenants to the Magiſtrate of the Diſtrict where ſuch Perſon has obtained Permiſſion to reſide.

10. The Magiſtrates are authorized to ſtop or detain Europeans of a ſuſpicious Appearance, travelling through the Diſtricts without a Paſs or Permiſſion.

11. That no Permiſſion be granted in future to any Britiſh Subjects, not in the Service of His Majeſty or the Company, to ſettle within the Provinces of the Nabob Vizier. This is not meant to prevent Permiſſions being granted to Perſons viſiting the Provinces of the Nabob Vizier for temporary Purpoſes; ſuch Permiſſions to be granted by the Secretary, with the Knowledge and Sanction of the Governor General.

12. That for the preſent no Applications from any Europeans, not in the Service of His Majeſty or the Company, to reſide in the Province of Benares for the Purpoſe of making new Eſtabliſhments there, be admitted.

13. That it be the ſpecial Duty of the Regiſter to prepare annually the Liſt required by the Orders of the Honourable Court, on the 5th Paragraph of their General Letter of the 11th December 1793, to be ready for Tranſmiſſion by the 11th January in each Year; and that for this Purpoſe he is to form an annual

Advertiſement.

Advertiſement, addreſſed to the Inhabitants of Calcutta and its Environs, to be iſſued in the Firſt Week of October in each Year, and for the Three following Weeks, requiring them to tranſmit to the Regiſter their Names by the 1ſt of November. The Advertiſement to be ſigned by the Secretary of Government.

14. That in order to aſcertain any Perſons who may hereafter arrive in India by Foreign Veſſels, as well as for Objects of Police, it be made a Standing Regulation:

That the Commanders of all Foreign Veſſels importing at Calcutta, be required on their Arrival to deliver into the Maſter Attendant's Office a Liſt, ſpecifying the Names of the Commanders, Officers, Crews, and Paſſengers on board the ſaid Veſſels; and that the Maſter Attendant be required to report to the Regiſter the Names of any Paſſengers, and to keep in Depoſit all the Liſts.

15. That the Maſter Attendant be poſitively prohibited from furniſhing any Foreign Veſſel importing at Calcutta with a Pilot, until ſuch Liſt ſhall have been delivered to him.

16. That any Britiſh Subject in the Company's Civil or Military Service, or having a Licence to remain in India, who ſhall, after a preſcribed Date, give Aſſiſtance and Encouragement to the Reſidence of any unlicenſed Perſon in India, be declared to have forfeited the Company's Service or Protection.

The Board will remark, that ſome of the Regulations here propoſed are already in force; but I have thought it neceſſary to collect them together, for the Purpoſe of eaſier Reference and Attention. With reſpect to the 12th, it is conformable to an exiſting Prohibition, and it goes only to prevent the Country of Benares being over-run with Adventurers.

We have already experienced theſe Inconveniences; but I do not mean that the Regulation ſhould be conſtrued to deprive thoſe who are already ſettled at Benares, either of the Means of diſpoſing of their Concerns, or of procuring Aſſiſtance for carrying them on.

I am ſorry that any Delay ſhould have occurred in the Execution of the Orders of the Honourable Court: a formal Compliance might have taken place immediately on the Receipt of the Covenants; but the Subject is too important to be lightly attended to, and the Honourable Court will, I flatter myſelf, be better pleaſed at ſeeing theſe Orders well executed than haſtily obeyed.

(Signed) J. Shore.

Resolutions.

That, in Conformity to the Propoſition of the Governor General, an Office be eſtabliſhed for regiſtering Covenants and Perſons out of the Service, and that Mr. Thomas Daſhwood be appointed Regiſter of Covenants and of Perſons out of the Service. The Board will hereafter determine the Allowances and Eſtabliſhments at the new Office, and preſcribe the Rules for the Conduct of it. That the ſeveral Paragraphs in the General Letter be publiſhed, with the Notice annexed, as propoſed by the Governor General. That Part of the 14th and the 15th Regulations be alſo publiſhed, and that they be communicated at full to the Maſter Attendant, with Directions to inſert as much of them as are advertiſed in a Book, to be communicated to the Commanders of all Foreign Veſſels on their Arrival in the River; theſe are to be tranſlated into French, Portugueſe, and Dutch. The Maſter Attendant is further enjoined to report to the Secretary of Government the Names of every Foreign Veſſel, and of the Commander, who ſhall neglect within Forty-eight Hours after his anchoring at Calcutta to comply with the preſcribed Requiſitions. The Board, after the Departure of the Indiamen under Orders for Diſpatch, will reſume the Conſideration of the Governor General's Minute.

Extract Public Letter to Bengal, dated 3d July 1795.

Letter from, 18th Auguſt 1794.
(5.) Diſcretion allowed of iſſuing Licences of Reſidence to Individuals has not yet been exerciſed, the Forms adverted to in the Court's Inſtructions not having been received.

Para. 125. Form of the Licences for Europeans not in the Company's Service to remain in India, were ſent on the Thetis and Pitt, which we truſt before this Time you have received.

Extract

Extract Revenue Letter from Bengal, dated the 29th December 1794.

Mil. Conf. March 7, 1794. April 25, 1794. May 23, 1794. June 13, 1794. 20, 1794. July 4, 1794. Sept. 12, 1794.

Para. 74. On our Conſultations referred to in the Margin, you will find our Correſpondence with the Preſident at Benares on the Subject of the Europeans who have lately ſettled in that Zemindarry as Indigo Planters; and as the Diſcuſſions which have been held on the Subject involve a Queſtion of conſiderable Importance, viz. the Expediency of allowing Europeans to hold Lands in that Zemindarry, and the Deciſion which we have paſſed may materially affect the Intereſts of the Individuals concerned, we deem it proper to detail the principal Circumſtances reſpecting it for your Information.

75. The voluminous Proceedings which have been held on the Subject originated in a Diſpute (which ended in a Fray between the Servants and Dependants of the Parties) between Meſſrs. Gilchriſt and Chaters, the preſent Opium Contractors, and who have for ſome Time paſt cultivated Indigo in that Zemindarry, and Mr. Scott, alſo an Indigo Planter, regarding ſome Ground which the latter aſſerted he had a Right to plant with Indigo, in conſequence of his having taken the Land in Farm from the Zemindar of the Village, but which the former claimed in Behalf of ſome Koeries, or Opium Cultivators, who had been diſpoſſeſſed of it.

76. It is unneceſſary to enter into the Detail of this Diſpute, our Orders reſpecting which are contained in our Letter to the Reſident, dated the 7th March. It is ſufficient to obſerve, that from a Conviction of the Diſorders that would enſue were Europeans permitted to poſſeſs themſelves of Lands in ſo diſtant a Part of the Country, and from a Conſideration of the very diſreſpectful Style of the Correſpondence of Meſſrs. Gilchriſt and Chaters with the acting Reſident, and of the Neceſſity of giving that Weight and Efficacy to the Authority of the Laws, ſo eſſential to the Peace of the Country and the Protection of the Natives, we deemed it adviſable to paſs Regulations, requiring the Reſident to hear and try Cauſes inſtituted by or againſt Europeans according to the eſtabliſhed Forms and Regulations, and to hold no epiſtolary Correſpondence with them on Matters of a judicial Nature: We likewiſe directed him to oblige all Europeans to make themſelves amenable to the Court in Civil Suits not exceeding 500 Rupees, as has lately been done in the Provinces.

Mil. Conf. 7th March.

77. We likewiſe reſolved, that in future no European ſhould be permitted to purchaſe or rent a greater Quantity of Land in the Zemindarry of Benares than 50 Begas, and not even this Quantity, until the Conſent of the Proprietor ſhall have been previouſly notified to the Reſident, and he ſhall have obtained our Sanction to the Tranſaction.

78. We alſo determined, that if any European ſhould then be in the Poſſeſſion of a greater Quantity of Land than that above ſpecified, either under our ſpecial Sanction, or with his Permiſſion, he ſhould give Notice to the Occupant that the Leaſe was not to be renewed when it might expire, ſo as to bring before us any Arguments that in Juſtice or Equity might entitle the Renter to a particular Exemption; and we further reſolved, that if any Individuals had rented Lands without our Knowledge or his Sanction, that he ſhould ſend Notice to them that they muſt relinquiſh the Lands at the Expiration of the Year.

79. We expreſsly deſired, however, it might be declared, that it was not our Intention to prohibit Individuals from making Advances to Ryots or Manufacturers, who might voluntarily receive them, for the Proviſion of Indigo or other Articles in which European Merchants are permitted to trade.

EXTRACT BENGAL REVENUE CONSULTATIONS, the 7th March 1794.

Reſolved, That the following Letter be written to Mr. Duncan, the Reſident at Benares, who is returned from his Deputation to the Malabar Court, and who has been ordered to proceed to reſume the Charge of his Station:

To

To Jonathan Duncan Eſquire, Reſident at Benares. No. LXIII.

Sir,

We avail ourſelves of your Return to Benares, to furniſh you with Inſtructions relative to ſeveral Matters upon which, in Expectation of your early Arrival, we thought it proper to poſtpone our Determination, that we might have the Benefit of your Opinion reſpecting them, and of your Experience in carrying our final Orders into Execution.

2. From a Reference to the Records of the Reſidency, you will find that a Charge was preferred to the Acting Reſident againſt Abdur Ruſhud Khan, the Muriſiff to the Dewanny Department, for having received a Bribe from the Mother of Lullee Seetubperſhaud, to prevent the enforcing of a Decree paſſed againſt her Son in favour of Tykern. The Acting Reſident decreed the Charge proved, and diſmiſſed the Muriſiff from his Office, and further ſentenced him to pay a Fine of Three Times the Amount of the ſtated Bribe, and to be impriſoned, unleſs the Fine was paid before Twelve o'Clock on the Day on which the Decree was paſſed.

3. The Charge againſt Abdul Ruſhud Khan not appearing to us by any Means ſubſtantiated by the Evidence and the Proceedings of the Acting Reſident, bearing Marks of Irregularity and Precipitancy, ſuppoſing (which was not the Caſe) that our Inſtructions of the 6th of September had veſted him with Authority to diſmiſs the principal Officers of the Court under any Circumſtances, without a previous Reference to us; we thought it proper, without paſſing any Judgment on the Merits of the Charge, to annul the Acting Reſident's Proceedings, and to deſire him to releaſe the Muriſiff, after taking Security from him for his Appearance, and to conſider him as ſuſpended only from his Office.

4. It is unneceſſary to notice the particular Points in which the Trial is defective, as they will be apparent to you, upon an Inſpection of the Proceedings. We think it ſufficient to direct that, as ſoon after your Arrival at Benares as Circumſtances may admit, you will require the Mother of Lullee Seetubperſhaud to renew her Charge againſt Abdul Ruſhud, and proſecute the Inquiry into it to Proof or Refutation, reporting to us the Reſult, on which you will receive our further Inſtruction.

5. On the 26th of April laſt, the Acting Reſident ſubmitted to us the Circumſtances of an Affray that occurred between the Zemindars of the Villages of Awnjyar and Narrainpore, in which ſeveral Lives were loſt, and a very conſiderable Number of Perſons wounded.

6. It being eſſential to the future Tranquillity of the Country, that the Authors of this bloody Quarrel ſhould meet with exemplary Puniſhment, and the Evidence recorded on the Trial not being ſufficiently clear and ſatisfactory to enable us to determine who were the Aggreſſors, we deſire you will order a new Trial on the Parties, in the Moolky Fougdarry Adawlut, and ſubmit to us the Reſult, with your Opinion as to the Degree of Criminality of the ſeveral Perſons concerned.

7. From the Acting Reſident's Letter which accompanied the Moolky Treaſury Accounts for the paſt Year, there appears to be a Surplus remaining in the Treaſury of Rupees 1,23,388 : 3 : 6, after diſcharging the fixed Revenue of Government. Agreeably to the Principles which have been obſerved with regard to this Exceſs in former Years, we deſire you will ſtate to us your Opinion as to the Purpoſes to which you would recommend it to be applied, ſo that it may be productive of the greateſt Benefits to the Zemindarry.

8. On the 30th of September laſt a Letter was addreſſed to us by the Acting Reſident, ſtating that Sultanaut Sing, a Talookdar of Budlapore, paying an annual Revenue of 22,000 Rupees, had retired out of the Province to evade Payment of his Arrears, after Two Skirmiſhes with Detachments from the Battalion ſtationed at Ivanpore, which had marched to ſeize him; and that in conſequence of his former and preſent Miſconduct he had determined to diſpoſe of his Lands at public Sale on the Fifteenth of the following Month, as well to realize the Balances due from him to the Aumil, as for an Example to his Adherents. From a Compariſon of the Date of the Letter, and the Period fixed for the Sale of the Lands, with the known Time which elapſes before a Letter can be conveyed from Benares to Calcutta, and an Anſwer to it be received, you will obſerve that

the Acting Reſident ſcarcely allowed Time for the Conveyance of any Orders to him before the Date fixed for the Sale, ſuppoſing that Circumſtances had admitted of the Letter being taken into Conſideration immediately upon its Arrival, and of an Anſwer to it being inſtantly diſpatched. But, excluſive of the very precipitate and haſty Approval which we were called upon to give to a Meaſure of ſo much Importance, we obſerved from the Part of the Correſpondence firſt ſubmitted to us by the Acting Reſident, that his Opinion of the Conduct of Sultanaut Sing, previous to the Attempt of the Detachment from the Battalion at Iuanpore to ſeize him by Stratagem, had been formed chiefly upon the Repreſentations of the Aumil Sheroloil Doby, and from Captain Denby's Letter of the 14th Auguſt it was evident that he was apprehenſive of falling into the Aumil's Hands. Not having the neceſſary Information on theſe Matters before us, and no Advices having been previouſly tranſmitted to us of the Operations againſt Sultanaut Sing, during the Months of Auguſt and September whilſt they were carrying on, or of his previous Conduct which led to the Orders to ſeize him, and being reduced to the Neceſſity of confirming the Sale of the Lands without being ſatisfied of the Juſtice of the Act, or of at once countermanding the Sale, we did not heſitate to adopt the latter Meaſure.

9. The ſubſequent Conduct of Sultanaut Sing in reſiſting the Detachment was undoubtedly highly criminal, as he ought to have ſurrendered himſelf when ſummoned by the Officer who commanded it, and relied upon the Juſtice of Government for Redreſs had he been injured. We are of opinion, however, conſidering that he had paid up his Revenue for the current Year, and that the Sums demanded from him were for Balances for preceding Years, it would have been far more likely to have anſwered the deſired Ends if Mr. Treves, previous to ſending the firſt Orders to ſeize Sultanaut Sing, had aſcertained by an Examination of the Accounts in the Preſence of the Aumil and an Agent on the Part of the Talookdar, what was the actual Balance due from him, and whether he had any Grounds to complain againſt the Aumil, and, if no juſt Ground of Complaint had appeared, to have recommended the Sale of his Talooks for the Liquidation of the Arrear. From the Treatment which Sultanaut Sing had previouſly experienced from the Aumil, and the Nature of the Preparations that were made to ſeize him, and conſidering the known Habits of the Natives of that Part of the Country, we are not ſurprized that he ſhould have retired into the Jungles; and it is probable that the ſubſequent Diſturbances would have been avoided by the Adoption of the Mode above pointed out. Had he omitted to diſcharge his Balance, after having been permitted to ſtate his Objections to the Demand, and attempted to moleſt the Perſon who have purchaſed his Talook, upon its being put up to Sale for the Liquidation of the Arrear, there would have been ample Ground for ſeizing him by any Means, or driving him out of the Country.

10. Upon a Review of the Correſpondence on this Subject, we ſee little Probability of Sultanaut Sing being able to offer any Vindication of his Conduct in reſiſting the Detachment and committing the ſubſequent Devaſtations in his own Talook and the neighbouring Villages; previous, however, to ordering the Sale of his Zemindarry, we think it proper to direct, that upon your Arrival at Benares, you will allow him to ſend in any Perſon to you to urge what he may have to adduce in his Defence, but we do not think it would be proper to offer him a Pardon upon Condition of his ſurrendering himſelf. If he returns, it ſhould be without any Stipulation except that his Conduct ſhould undergo a fair and regular Trial. Should he neither come in of his own Accord, nor offer any Juſtification of his Conduct within the Time you may limit after his Receipt of your Requiſition to him for that Purpoſe, you will inform us, that his Talook may be diſpoſed of in ſuch Manner as may appear to us proper.

11. Conſidering all the Circumſtances reſpecting the Caſe of Sultanaut Sing, and the Miſrepreſentations that the Aumils may be induced to make regarding the Conduct of Zemindars, upon whom they may have Demands; we think it would be proper for you to require the Aumils to ſend into Benares all Landholders whom they may have Occaſion to take into Cuſtody for Balances, that they may be confined in the Jails in the City until they liquidate their Arrears. A Regulation of this Nature, at the ſame Time that it will render the Aumils extremely

extremely cautious of making any unjuſt Demands, will afford Defaulters an Opportunity of repreſenting to you any Complaints that they may have to allege againſt the Aumils, and obviate thoſe Apprehenſions which the being ſeized and confined by the Individuals who have Demands upon them, muſt naturally inſpire, and which may often excite them to deſperate Meaſures, that they would not have recourſe to were they ſatisfied (as it is probably they would be were they to be ordered to be ſent into Benares) of having an Opportunity of defending their Conduct before you in Perſon.

12. The Acting Reſident has ſubmitted to us a Correſpondence between him and Meſſrs. Gilchriſt and Chaters, on the Subject of their Privileges as Opium Contractors, and a Diſpute that aroſe between them and Mr. Scott, reſpecting ſome Lands held by the Koerees, or Cultivators of Opium in Amghaat.

13. With reſpect to the Merits of the Cauſe between the Cubbooleatdar and the Koerees, it appeared to us that Mr. Scott, to whom the Cubbooleatdar had farmed the Village, was guilty of an act of great Violence as well as Diſreſpect to the Acting Reſident, in taking upon himſelf, with the Aſſiſtance of the Chuppraſſe who was ſent with an Order to the Aumil to adjuſt the Diſpute, to ſeize the Koerees, and to plough up the conteſted Lands, and ſow them with Indigo, whilſt the Cauſe was depending. The Claim of the Cubbooleatdar upon the Koerees for Balances, and conſequently his Right to diſpoſſeſs them of the Ground, not having been decided; we directed them to be reſtored to the Poſſeſſion of the Lands, and thought it proper to order Mr. Scott and Mr. Johnſon, who had taken the Law into their own Hands, to hold themſelves in readineſs to repair to Calcutta in Three Months.

14. With reſpect to the Right of the Cubbooleatdar to diſpoſſeſs the Koerees, and the ſubſequent Fray between the Servants of Mr. Scott and thoſe of the Opium Contractors, which, as far as we are able to judge, was occaſioned by the previous Miſconduct of Mr. Scott, and which Meſſrs. Gilchriſt and Chaters declare did not originate in conſequence of any Orders from them, you will reviſe the Proceedings held upon the Subject by the Gazeepore Court, and paſs ſuch Deciſion upon it as may appear to you proper.

15. On the ſeveral Requeſts of the Opium Contractors, in their Letter of the 15th September, we deſire you will obſerve the following Inſtructions:

16. Art. 1. You will ſend to the Aumils, or other Perſons immediately reſponſible to Government for the Revenue, a Copy of the printed Advertiſement containing the Terms of the Contract, and inform them that Meſſrs. Gilchriſt and Chaters are the Contractors on the Part of Government for the Proviſion of Opium, and that although it is by no means their Intention, as expreſſed in the Advertiſement, that any Perſon ſhall be obliged to cultivate the Poppy againſt his Inclination, it is their Wiſh that every Encouragement ſhould be given by the Cubbooleatdars to that Cultivation ſo long as the Contractor pays them the fixed Price for the Opium, and in his Dealings with them conforms to the Rules preſcribed in the Advertiſement.

17. Art. 2. The Requeſt contained in the Firſt Part of this Article is upon a Variety of Grounds improper, and conſequently inadmiſſible. The Cultivators of the Poppy muſt have recourſe to the Courts of Juſtice, in the ſame Manner as other Individuals, whenever they may deem themſelves injured. We do not ſee what Advantage thoſe who are entitled to Redreſs will derive from the Contractors ſtanding forward as their Agents, as the Laws will take their Courſe, by whomſoever the Cauſes may be pleaded. There can be little Doubt, however, but that many of the Cultivators would avail themſelves of ſuch an Interference, were it to be authorized, to withhold the juſt Dues of the Cubbooleatdars.

18. We can have no Objection to Meſſrs. Gilchriſt and Chaters ſubſcribing themſelves Contractors for Opium in any Letters which they may have Occaſion to write; at the ſame Time, we ſee no Advantage which they can derive from uſing the Deſignation upon private Occaſions, as it will give them no Power or Authority in their Communications or Concerns with Individuals, which muſt be ſettled by the Courts of Juſtice whenever they may become the Subject of Diſpute.

19. Art. 3.

19. Art. 3. We ſhould have no Objection likewiſe to the Peons of the Contractors being permitted to wear Badges, were we ſatisfied that the Aumils and Ryots would be convinced that the Object of their being allowed to bear this Mark of Diſtinction was ſolely to prevent other Peons aſſuming the Character of Servants of the Contractors, for the Purpoſe of committing Abuſe; but we are of opinion that the Reverſe would be the Caſe, and that a Compliance with this Requeſt would impreſs the People of the Country in general with an Idea that the Chuppraſſers are Officers of Government, or that the Contractors were veſted with a public Controul or Authority over the Aumils or Cultivators of the Poppy, and conſequently might be perverted by their Officers to the Purpoſes of Abuſe: We have therefore reſolved to reject this Requeſt.

20. Our Inſtructions on the 2d Article of the Contractors Requeſts will of courſe point out to you, that it is not our Intention that their Peons ſhall be allowed to interfere between the Cultivators of the Poppy and the Aumils and the Cubbooleatdars. The Engagements which may ſubſiſt between Perſons of this Deſcription are wholly unconnected with the Opium Contract; and the Contractors are not to interfere with any Diſputes or Claims that may ariſe between the Parties, the Cognizance of them belonging excluſively to the Courts of Juſtice.

21. Art. 4. The Order requeſted in this Article would be as irregular as it is unneceſſary. The Parties aggrieved may always obtain Redreſs by applying to the eſtabliſhed Tribunals.

22. Art. 5. Mr. Scott poſſeſſes no Rights or Privileges as a Contractor for Indigo, excluſive of thoſe which are enjoyed by every other Merchant, whether Native or European, living under the Protection of Government; and Meſſrs. Gilchriſt and Chaters, as Opium Contractors, are upon the ſame Footing, with this Difference, that the Cultivators of the Poppy are bound to deliver to them all the Opium which they may produce at the ſtipulated Price. Their Engagements with the Ryots who cultivate the Poppy are no more than private Contracts between Individuals, and the Courts of Juſtice alone are entitled to take Cognizance of any Breach of them, or to puniſh any improper Interference of other Individuals with their Tranſactions.

23. Art. 6th. We cannot accede to the Requeſt contained in their Article, without a Deviation from general Principles, from which we ſhould conſider it unadviſable to depart. The Modes of collecting the Public Revenue, eſtabliſhed by the General Regulations, cannot be altered for the Convenience of the Contractors, eſpecially as the Object of the ſuggeſted Alteration may be more effectually attained by the Application of the injured Parties to the proper Tribunals.

24. Art 7th. In Anſwer to this Article, we think it ſufficient to refer the Contractors to the Terms under which they have taken the Contract; their Requeſt, in general, might indeed with Propriety have been replied to by a ſimilar Reference.

25. We cannot conclude our Remarks upon the above Correſpondence, without noticing that the Letters of Meſſrs. Gilchriſt and Chaters are as diſreſpectful to the Authority of the Acting Reſident as they are diſreputable to themſelves; and we deſire you will acquaint them, in Anſwer to the laſt Paragraph of their Letter before mentioned, that we conſider the Proviſion of the Opium in Benares (even ſuppoſing it could not be effected excepting through their Agency) of little Importance compared with the Preſervation of a due Subordination to the Laws and public Authority of the Reſident, or the Happineſs and Proſperity of the great Body of the People, which depend upon the Laws being ſtrictly and impartially enforced in all Caſes of Property, whether the Intereſts of Individuals or the Financial Intereſts of the Public be concerned, and that in the Event of their being guilty of any ſimilar Miſconduct in future, they will certainly experience the heavieſt Marks of our Diſpleaſure. You will likewiſe inform Mr. Scott, that he derives no excluſive Privileges from his Contract with the Company, and that ſhould he commit any ſimilar Acts of Violence, or deviate from the eſtabliſhed Laws and Regulations of the Country, we ſhall compel him and his Servant Mr. Johnſon to quit the Zemindarry.

26. To prevent all future Correſpondence of this Nature, which, beſides occupying unneceſſarily the Time of the Courts, is irregular, inconſiſtent with the

Forms of Judicial Proceedings, and the relative Situations of the Judges and the Suitors; we think it proper to prohibit you and the Courts in the City of Benares, Guzeepore, Juanpore, and Mirzapore, from corresponding by Letter with any Perſon reſpecting Matters depending before the Courts, or which may come within their Cognizance. If a Party in a Suit, or any Perſon amenable to the Juriſdiction of the Courts, ſhall have any Matter to repreſent to the Courts, they are either to appear in the Court in Perſon, and ſtate the Matter in Writing, or to make the Repreſentation through their Vakeel. The Courts, in ſuch Caſes, are to paſs whatever Order upon the Repreſentation may appear to them proper, and to direct a Copy of the Order to be delivered to the Perſon making the Repreſentation, or to his Vakeel, under the Seal of the Court. If the Parties are diſſatisfied with the Order, they muſt ſtate their Objections to it to the Court of Appeal, if the Cauſe ſhould be appealable, and the Party ſhould think proper to prefer an Appeal. We further deſire that it may be notified, that all Objections which Parties may have to offer to the Proceedings or Deciſions of any Court are to be forwarded through the Court, in the Form of an Appeal, to the Court to which the Appeal may lie, or to be preſented to the Court having appellate Juriſdiction. After the Deciſion of the Cauſe you will adhere to this Rule in Appeals to you from the ſubordinate Courts in the Zemindarry, and we ſhall order it to be obſerved in Appeals that may be preferred in your Deciſions to us.

27. Without forming any poſitive Deciſion on the Propriety of Europeans reſiding in the Zemindarry of Benares for the Purpoſes of Trade, whilſt they conduct themſelves in a peaceable and orderly Manner, yet, from the Circumſtances which appear in the Correſpondence above referred to, we conſider it eſſential that the Ryots and other lower Orders of the People, to whom Advances may be made by Europeans for the Proviſion of Goods or Articles of Trade, ſhould have a ready Mode of recovering any Claims which they may have upon them. We therefore direct that you require all Europeans (excepting King's Officers ſerving in the Bengal Eſtabliſhment, Covenanted Civil Servants of the Honourable Company, and their Military Officers, who now reſide or may hereafter take up their Abode in Benares) to execute the accompanying Bond, rendering themſelves amenable to the Courts of Judicature in Benares in Civil Suits that may be inſtituted againſt them by Natives, for Sums not exceeding 500 Rupees. Should any European of the Deſcriptions above mentioned, now reſiding in Benares, refuſe to execute the Bond, you will require him to repair to Calcutta within Twelve Months from the Date of your Requiſition to him for the Execution of it, and compel him to obey the Requiſition ſhould he refuſe to conform to it.

28. With reſpect to Europeans of the Deſcriptions before ſpecified, who may hereafter proceed to Benares to ſettle there, you will not allow them to take up their Reſidence in the Zemindarry without their previouſly executing the Bond.

29. We further direct, that when Europeans of any Deſcription may ſue Natives in any of the Courts, they be required to execute the accompanying Bond, and that no Proceſs whatever be held in the Suit until they have executed the Deed.

30. It is perhaps unneceſſary to remark to you, that the Inſtructions in the Paragraph do not relate to Meſſrs. Gilchriſt and Chaters as Opium Contractors, in which Capacity they are made amenable by the Terms of their Contract to the Provincial Courts in all Matters relating to their Contract. With reſpect to any other Dealings they may have with the Natives, they are of courſe to be conſidered upon the ſame Footing as other European Merchants, and to execute the Bonds now tranſmitted to you in the Caſes to which they relate.

31. It is not our Intention that Europeans ſhould be allowed to acquire any landed Property in Benares beyond what may be ſufficient for the Erection of Houſes or Buildings for carrying on Manufactures, or that they ſhould hold a greater Quantity of Lands upon Leaſe than may be ſufficient for the above Purpoſes. The Diſputes which aroſe at Amghaut in conſequence of the Zemindar having farmed the Village to Mr. Scott, as well as other Arguments, render a ſtrict Adherence to this Determination eſſential to the Welfare of the Country. We accordingly direct, that in future no European be permitted to purchaſe or rent a greater Quantity of Land in the Zemindarry of Benares than Fifty Bejahs,

and not even this Quantity, until the Conſent of the Proprietor ſhall have been previouſly notified to you, and you ſhall have obtained our Sanction to the Tranſaction. If any European now holds on Leaſe any greater Quantity of Land than that above ſpecified, either under our ſpecial Sanction or with your Permiſſion, you will give Notice to the Occupant that the Leaſe is of courſe not to be renewed when it may expire, which will bring before us any Arguments that in Juſtice or Equity may entitle the Renter to a particular Exemption. If any Individuals have rented Lands without our Knowledge, or your Sanction, we direct that Notice be given to them that they muſt relinquiſh the Lands at the End of the Year.

32. The Orders in the preceding Paragraph are not intended to prohibit Individuals making Advances to Ryots or Manufacturers, who may voluntarily receive them, for the Proviſion of Indigo or other Articles in which European Merchants are permitted to trade.

We are, &c.

(Signed) J. SHORE.
R. ABERCROMBY.
WM COWPER.

7th March 1794.

EXTRACT BENGAL REVENUE CONSULTATIONS, the 23d May 1794.

Reſolved, That the following Letter be written to the Reſident at Benares.

No. LXVI.

To Jonathan Duncan Eſquire, Reſident at Benares,

Sir,

1. We have received your Letters of the 10th and 17th Inſtant, with their reſpective Incloſures.

2. Previous to paſſing any Determination on the Repreſentation of the Indigo Planters in Benares, we think it neceſſary to notice particularly their Conſtruction of our Orders of the 27th January 1790, on which they found their Claim to a Re-conſideration of our Reſolutions of the 7th of March laſt, as we conceive it to be wholly unwarranted either by the Letter or Spirit of them.

3. The 54th Article of the Revenue Regulations of the 8th June 1787, prohibited "the Collectors from giving any Land in farm to any European directly "or indirectly."

4. This Regulation having been tranſmitted to you officially by the Board of Revenue, with Intimation that we had decided that the Spirit and Meaning of it extended to Europeans who might have procured Pettahs from Farmers in the Moſuſſil, you acquainted us, in your Letter of the 24th July 1788, "that you "thought it a neceſſary Precaution on your Part, in conſequence of the Board of "Revenue having officially ſent you this Notification, although the Regulations "referred to in it had not yet been laid down as a Rule for your Guidance, to "mention, that there was one Gentleman in your Diſtrict, Dr. Gilchriſt, who, "for the Purpoſe of raiſing Indigo, which he was permitted to do by an Order of "Government, was, you believed, under the Neceſſity of renting ſome Land in "the Pergunnah of Gazeepore, from the Rajah's Aumil there, but *that you were "not aware that any Evil reſulted from ſuch renting on his Part;* and that all "Europeans at Benares, yourſelf not excepted, had from Neceſſity in ſome "Meaſure ſub-rented to the native Farmer in Sheepore, where your Gardens and "Places of Abode were ſituated."

5. On the 6th Auguſt 1788, we acquainted you in Reply, "that we did not "conſider the 54th Clauſe of the Revenue Regulations of 1787 as extending to "the Lands in Pergunnah Sheepore, in which the Houſes and Places of Abode "of the Europeans reſiding at Benares are ſituated, nor to the Ground in Pergunnah Gazeepore, rented by Mr. Gilchriſt for the Purpoſe of carrying on the "Manufacture of Indigo."

6. When

6. When this Reply was written, we were not aware either of the Extent of the Ground of which Mr. Gilchriſt had poſſeſſed himſelf, and ſtill leſs of the Tenure under which it was held.

7. But upon the Receipt of your Letter of the 16th November 1789, in which you informed us that Meſſrs. Gilchriſt and Chaters had obtained *a Talook* in *farm*, from Coſſimbey the Aumil of Gazeepore, we directed in our Letter to you of the 27th January 1790, that they ſhould be immediately diſpoſſeſſed of the Farm; " *but in Conſideration of the heavy Expence incurred by them*, and as the Extenſion " and Cultivation of Indigo would under proper Regulations be beneficial to the " Country at large, we authorized you to acquaint Meſſrs. Gilchriſt and Chaters " that we had no Objection to their continuing their Manufacture, and to their " making Advances to ſuch Ryots as might be willing to cultivate and furniſh " them with the Indigo Plant, or to their holding Land upon Pottah from the " Zemindars or Farmers, in the ſame Manner as other Ryots, for the Purpoſes of " cultivating the Plant themſelves."

8. In referring to this Order, the Memorial ſtates that the Governor General in Council " iſſued an Order under Date the 27th January 1790, *expreſsly* prohibiting " renting Villages according to the Tenure by which they, Meſſrs. Gilchriſt and " Chaters, held them, and directing them to be inſtantly reſumed by the original " Tenants; but at the ſame Time *permitting* Europeans to rent Land merely as " Ryots, for the Cultivation of Indigo, *without any Stipulation as to Quantity* or " Situation."

9. That our Orders above mentioned do not expreſs any ſuch general Permiſſion as is ſtated in the preceding Quotation from the Memorial, is evident from a Reference to the Terms of it.

10. That they convey no ſuch implied Permiſſion, is equally apparent.

11. It has long been an eſtabliſhed Rule that no European ſhall hold Lands in the Interior Parts of the Country, without the expreſs Permiſſion of Government; and although we have in many Inſtances, for ſpecial Reaſons, permitted Europeans upon their Application to hold Lands for carrying on Manufactures, or for other Purpoſes, the Permiſſion granted to ſuch Individuals cannot be conſtrued into an Abrogation of the Rule, but on the contrary, proves the Exiſtence of it.

12. If this Line of Policy has been invariably obſerved in Bengal, it cannot be preſumed that it could ever be our Intention to abandon it altogether in Benares, where the Arguments on which it is founded apply with additional Force.

13. But to leave no Room for doubt upon this Point, it is ſufficient to refer to Mr. Cullen's Application to us of the 20th April 1793, for Orders to the Acting Reſident at Benares to procure him 3,000 Begas of Land upon Leaſe in Boglepore, which we refuſed to comply with; and if we did not proceed to diſpoſſeſs him of the Lands which he then rented, the Indulgence gives him no Claim to Exemption from the Operation of our Orders of the 7th March, and ſtill leſs to the other Gentlemen whoſe Names are ſubſcribed to the Memorial, and who have obtained and held their Lands entirely without our Knowledge or Sanction. Whatever Lands, therefore, are held by theſe Gentlemen, without our expreſs Permiſſion, are liable to Reſumption under our Orders of the 7th March, nor have they any Claim upon the Ground which they have aſſumed for the Suſpenſion of them.

14. The Diſputes between the Planters and the Aumil Zemindars and Ryots, as detailed in your Correſpondence now ſubmitted to us, as well as the Diſturbances at Gazeepore, which ſuggeſted our Orders of the 7th March, added to the Circumſtances ſtated in the 3d Paragraph of your Letter, and the Reaſons which you have aſſigned in the Paragraph, for propoſing that every Indigo Planter ſhall be required to have at all Times a Vakeel in attendance at your Cutcherry, afford convincing Proofs of the Neceſſity of enforcing thoſe Orders equally in Benares as in Bengal.

15th. We are aware, however, that many Individuals as well as Mr. Cullen may have poſſeſſed themſelves of Lands without our expreſs Sanction, and that their not being prohibited from holding them in the firſt Inſtance, may have induced them to believe that they were not deviating from public Regulations.

Upon theſe Grounds, and in Conſideration of the heavy Loſs which they might ſuſtain were they to be compelled immediately to relinquiſh their Concerns, we ſhall have no Objection to allow them to reap the full Benefit of any Lands that they may have actually ſown with Indigo, and to afford them ample Time to make the neceſſary Arrangements with the Ryots or other Individuals to furniſh them with the Weed in the ſame Manner as it is procured by the Planters in Bengal.

16. Upon the above Grounds we have paſſed the following Reſolutions:

17. Firſt—That all exiſting Leaſes of Lands, for the Purpoſe of cultivating Indigo, actually and *bonâ fide* obtained before the 7th March laſt by any European, be allowed to remain in force until they expire, provided the Term of them ſhall not extend beyond the Period of the Decennial Settlement.

Second—That all Leaſes obtained directly or indirectly by Europeans, either in their own Names or thoſe of others, ſince the 7th March, be declared null and void, and that the Leſſees be immediately diſpoſſeſſed.

Third—That in future no new Leaſes for Lands ſhall be entered into directly or indirectly by any European, and that all ſuch Leaſes ſhall be void, and the Leſſee not only be diſpoſſeſſed, but be liable to be ordered immediately to Calcutta.

Fourth—After the Expiration of the laſt Year of the Decennial Settlement, no European ſhall be permitted to rent or hold any Land directly or indirectly, either in his own Name or that of others. This Rule, however, is not to extend to Land not exceeding 50 Begas which Europeans ſhall be permitted to purchaſe or rent for the Purpoſe of erecting Dwelling-houſes or Buildings for carrying on Manufactures, provided they previouſly obtain the Sanction of the Governor General in Council, through the Reſident, to purchaſe or rent the Land.

Fifth—If any Native Servant, or Dependant of any Britiſh Subject or other European, ſhall intercept on the Road or otherwiſe unduly ſeize any Bhooſa or other Property, he ſhall, on the Party injured complaining to the Reſident, and on the latter's ſeeing ſufficient Ground for ſuch a Mode of Procedure, be committed by him for Trial for ſuch Violence to the Foujdarry Court, and beſides ſuffering ſuch Puniſhment (in caſe of Conviction) as the Court may inflict, ſuch Servant ſhall be thereon rendered incapable of entering again within the Diſtrict, into the Service of any Britiſh-born Subject or other European, in any Capacity whatſoever, and in all Caſes of undue Seizure of Bhooſa or other Property as aforeſaid, by any Britiſh Subject or Subjects, or by his or their Servant or Servants on their behalf, it ſhall be the Duty of the Reſident to enter, on the Receipt of any Complaint to this Effect, on a ſummary Inquiry into the Circumſtances of the Caſe; whereupon every ſuch Britiſh Subject ſhall ſtrictly and without Reſerve conform to any Requiſition or Order that he (the Reſident) may thereon iſſue for full Reſtitution of the Bhooſa or other Article ſo detained to the proper Owner, as well as for the paying to the latter ſuch Indemnification and Damage as the Reſident may award.

Sixth—In the Event of the Servants of any Britiſh Subjects attempting to preſs into or forcibly to carry away for their Maſter's Service any Artificers, Workmen, or Labourers, they ſhall be liable for every ſuch Offence, to be themſelves apprehended by the proper Local Officers of Government, and brought thereon to ſuch Trial or Puniſhment as the Laws of the Country point out, beſides being, in all Caſes where Conviction ſhall enſue, rendered incapable (in like Manner as is expreſſed in the preceding or 5th Article) of acting again in the Service of any European.

Seventh—No Britiſh Subject ſhall be permitted to cut down any Trees, unleſs the Owner ſhall have previouſly and voluntarily have ſold them to him, and executed a Writing atteſted by Two credible Witneſſes, expreſſing his Conſent to the Sale of the Trees and the Price of them.

Eighth—In the Regulations of the 7th of March laſt, prohibiting all epiſtolary Correſpondence between the Reſident or the Native Judges of the ſeveral Courts, and Parties in Suits or Complaints brought before them, it is directed, with a View to facilitate the Reſident's inquiring into and ſettling the frequent and various Complaints that are preferred in reſpect to the Indigo Cultivation and Manufacture, that the ſeveral Perſons concerned in it ſhall at all Times have in attendance,

in

in the Reſident's Cutcherry, well-informed Vakeels on their reſpective Parts properly authorized and inſtructed to deliver competent Anſwers to and Explanations in the Hindoo Tongue of ſuch Allegations as may from Time to Time be alleged by any of the Natives againſt their Conſtituents or their Servants.

Ninth.—No European ſhall ſeize or confine an individual Ryot or other Perſon, or do any of the Acts which their Servants are prohibited doing by theſe Regulations; and where it ſhall be proved to the Satisfaction of the Reſidents, that the Servants of any ſuch Britiſh Subjects have done any ſuch Acts by the Orders or with the Connivance or Knowledge of their Maſters, the latter ſhall be held reſponſible for the Act, and ſhall be conſidered to have committed a Breach of the Regulations.

Tenth.—Every European Indigo Planter ſhall ſign and perſonally engage for the Adherence to the above Articles, or any other Regulations that may be hereafter enacted reſpecting them under the Penalty of 500 Rupees for the firſt Offence, and of being ſent to Calcutta for the ſecond.

Eleventh.—No European is to take up his Abode in the Zemindarry of Benares without the Sanction of the Governor General in Council. The Reſident is to ſend any Perſon guilty of a Breach of this Rule to Calcutta.

18. In the mean Time we deſire you to afford every Encouragement to Meſſrs. Baird, Turnbull, and Macklew, to contract with the Ryots for Indigo by the Begah or Bundle; and alſo to the Propoſal of Mehendu Ally Khan, acquainting the latter, however, that he will not be permitted to avail himſelf of his official Influence as an Aumil, or of the Sanction which we have given to his Propoſal, to compel Ryots or any Individuals to plough or work upon the Lands againſt their Inclination, or to exerciſe any undue Authority whatever in the Management of the Concern. You will likewiſe appriſe him, and all the Aumils, and the People of the Country at large, that the Government has no immediate Concern whatever in the Proviſion of the Indigo, and that the above Meaſures have been adopted ſolely upon the Ground that the Introduction of a new and valuable Article of Produce cannot fail to be productive of Advantage, both to the Cultivators and Proprietors of the Soil as well as to the Merchants, provided that the Trade in it can be conducted without Prejudice to Individuals, or to the good Order and Government of the Country.

19. It will afford us much Satisfaction, ſhould the Ryots be induced to undertake the Cultivation of the Plant, and to deliver the Weed to the Manufacturers in the Manner practiſed at Bengal: but we at the ſame Time think it neceſſary to deſire you will acquaint the Planters, that if the Reverſe ſhould prove the Caſe, it is our Determination to adhere ſtrictly to the above Regulations; as, however deſirous we may be to promote the Cultivation of Indigo in the Zemindarry, the Object is of little Importance, compared with the Eaſe and Happineſs of the Natives.

20. You will likewiſe appriſe them, that as ample Time is allowed them to cloſe their Concerns, or to make Arrangements for procuring the Weed by Contract with the Ryots, they will have no Claim upon Government hereafter, either for the Poſtponement of the Operation of the Regulations, or for any further Indulgence whatever.

Extract Revenue Letter to Bengal, dated 3d February 1796.

Letter from, 29th Dec. 1794. (74. a 80.) Regulations with reſpect to the Reſidence of Europeans, and for the renting Lands within the Zemindarry of Benares.

Para. 34. Having peruſed the very voluminous Papers to which you have referred us on the Subject of the Europeans who have lately ſettled in the Zemindarry of Benares as Indigo Planters, we approve of your ſeveral Orders and Reſolutions relative thereto, as contained in your Letters to the Reſident of the 7th March and 23d May 1794; and we truſt that the late Regulations will effectually tend to remedy thoſe Abuſes, of which there appeared too much Reaſon to complain.

35. We concur with you in Opinion, that though it might be extremely deſirable to promote the Cultivation of Indigo in this Zemindarry, yet the Object is

of little Importance compared with the Eaſe and Happineſs of the Natives; but although from Motives of Policy, and in conformity with a general Regulation for the other Provinces, the European Speculators in this Article at Benares have been very properly laid under Reſtrictions as to the Quantity of Land they ſhould reſpectively occupy, the Cultivation and Manufacture of Indigo muſt be conſidered as an Object of National Importance. We were ſorry, therefore, to obſerve, that notwithſtanding it would be the Means of affording Proviſion for a Number of the moſt indigent and helpleſs Part of the Community, as well as beneficial to the Country at large, there appeared a general Diſinclination to forward its Cultivation, which led Mr. Duncan at firſt to doubt whether the Ryots could ever be induced to undertake to any uſeful Extent this Cultivation, which appears to have been unknown to and unpractiſed by the general Body of Benares Huſbandmen.

36. We are pleaſed, however, to find, by a Letter from Mr. Duncan of the 21ſt May 1794, entered on your ſubſequent Proceedings of the 26th September, that he has prevailed upon Mehendy Aly Khan ſo to amend his original Propoſal for the Cultivation of a conſiderable Quantity of Land at reduced Rates, as to induce the European Manufacturers to accept thereof, and that he thinks the Plan propoſed by the Khân muſt have an immediate Tendency gradually to render the Cultivation of Indigo by the Natives for Britiſh Subjects as general as poſſible throughout the Country.

EXTRACT BENGAL LAW CONSULTATIONS, 7th Auguſt 1795.

The following Minute is recorded by the Governor General in Council, having been previouſly circulated for the Conſideration of the Members of the Board, containing the Rules and Regulations now paſſed and adopted for the Office of Regiſter of Covenants. The Secretary is directed to iſſue an Advertiſement, and the neceſſary Orders, in conformity with the Reſolutions, and to tranſmit a Copy of the latter to the Judicial Department, for the Purpoſe ſtated in the Regulations of

The Board reſume the Conſideration of the Governor General's Minute, recorded on the Proceedings of the 6th March laſt, relating to the Covenants mentioned in the Letters from the Honourable Court of Directors, dated 11th December 1793, and 28th May 1794, and proceed to paſs the following Reſolutions on it, compriſing the Rules and Regulations under which the Office of Regiſter of Covenants is to be conducted:

1. Ordered, That the ſeveral Liſts and Notifications which have been tranſmitted to the Secretary of Government by the Magiſtrates of the different Diſtricts in conſequence of the Advertiſement of the 9th of March, be ſent to the Regiſter, to enable him to complete therefrom, and from the Liſts of the Town, One general Regiſter of Perſons and Applications, agreeable to the Form already adopted by him and approved by the Governor General.

2. That when the above Regiſter ſhall be completed, or from Time to Time during the Progreſs of it, Extracts therefrom, comprizing every Information neceſſary, but eſpecially the Remarks of the Magiſtrates and the Juſtices of the Peace for the Town of Calcutta, be ſubmitted to the Governor General in Council, for his Deciſion reſpecting thoſe Perſons to whom Licence may be granted to execute the Covenants in the firſt Inſtance, the Deſcription of Covenant to which that Licence ſhall extend, and the particular Places or Diſtricts where they will be permitted to reſide: That the Regiſter be alſo directed to lay before the Board the Names of any Perſons noticed by the Magiſtrates, Juſtices of the Peace, or Officers of Government, as having neglected to comply with the Requiſitions in the Advertiſement of the 9th of March laſt, with any Information regarding ſuch Perſons communicated by the Magiſtrates or Juſtices.

3. That a Covenant of each of the Deſcriptions intended to be executed be ſent to the Company's Attorney, with Inſtructions to have the Blanks properly filled up, by the Advice of the Advocate General, as a Guide to the Regiſter in preparing the other Covenants of Execution.

4. That

4. That the Company's Attorney be directed alſo to prepare and ſubmit for the Approbation of the Advocate General, the Draft of a Security Bond applicable to the Covenants of Free Mariners, and of Perſons permitted to reſide for a limited Period in India.

5. That when the Governor General in Council ſhall have determined what Perſons are to be permitted to execute the Covenants, and informed the Regiſter thereof, the Regiſter be directed to proceed without Delay to prepare the ſeveral Covenants in Duplicate for Signature, and to attend at ſtated Hours the Execution of all thoſe which can be ſigned on the Spot, that the Execution of them may be atteſted by himſelf, due Notice being previouſly given, by public Advertiſement, of the Time and Place where ſuch Attendance will be given.

6. That with reſpect to Perſons reſiding out of Calcutta, the Regiſter do prepare the proper Covenants, and tranſmit them to the Magiſtrates or Reſidents of the Diſtricts where the Parties to ſubſcribe them are ſettled; and that the Magiſtrates and Reſidents be enjoined to call upon the Perſons reſpectively concerned to ſign the Covenants before them, that they may atteſt the Execution thereof. The Covenants, when executed in Duplicate, to be returned to the Regiſter, to be diſpoſed of as the Orders of the Honourable Court of Directors have preſcribed.

7. That in all Caſes where the required Security is taken from Perſons reſident in India, the Counterpart of the Covenants be prepared and delivered, or tranſmitted to the Parties concerned, with Forms of the Security Bonds by the Regiſter, to whom alſo will belong the Diſtribution of the Counterparts of the Covenants which may hereafter arrive from England, in thoſe Inſtances where the Securities are reſident there, as well as the Tranſmiſſion of the Duplicate Covenants which are to be ſent to the Honourable Court of Directors, accompanied by accurate Liſts of the Parties ſubſcribing them, and of the Securities to whom they refer.

8. That in all Caſes where the Securities propoſed for the different Deſcriptions of Covenants are Perſons reſiding in India, but not on the Spot where the Covenant is executed, the Perſon applying for the Covenant ſhall, previous to the Execution thereof, produce the Security Bond duly executed; and, to comply with this Regulation, the Regiſter has been directed to ſupply blank Bonds where neceſſary.

9. The Board, adverting to the Terms of the Covenants, obſerve, that they extend only generally to licenſe the Reſidence of the Subſcribers to them in India, with Liberty to follow a particular Occupation. The Permiſſion therefore to reſide in different Parts of thoſe Provinces muſt ſtill be granted by Government, and ſhould be diſtinct from the Covenants.

10. Agreed therefore, That at the Time the Covenants are iſſued, ſeparate Licences be alſo prepared by the Regiſter, according to the Form annexed, to be forwarded with the Covenants of ſuch Perſons as are at this Time permitted to reſide, either within the Dominions of his Excellency the Vizier in the Zemindarry of Benares, or in any Part of the Provinces of Bengal, Behar, and Oriſſa, diſtant more than Ten Miles from the Preſidency of Fort William, to the Reſidents and Magiſtrates of the reſpective Diſtricts, and to be by them delivered to the Parties concerned on the due Execution of their Covenants.

11. That in Caſes where the Securities propoſed for the different Deſcriptions of Covenants are Perſons reſiding in England, Scotland, or Ireland, the Perſon applying for the Covenant, previous to the Execution thereof, ſhall furniſh the Regiſter with a Letter and Duplicate to each of his Securities, requiring them to execute the preſcribed Bond; one Copy of each Letter to be attached to the Duplicate Covenant to be forwarded to the Honourable Court of Directors, to ſerve as an Authority for them to call upon the Parties to execute the Security Bond; the other Copy to be attached to the Covenant, to be depoſited in the Regiſter's Office.

12. That it be the further Duty of the Regiſter, to form and keep up an exact Alphabetical Regiſter of the Perſons who are permitted to execute the Covenants, and to whom Licences of local Reſidence in Calcutta or the Provinces are granted, with Columns ſpecifying what Deſcription of Covenants they have ſubſcribed, the Names of their Securities, their Occupation, Place of Reſidence, and the local Juriſdiction under which it is ſituated.

13. That

13. That no Perſon poſſeſſing a local Licence ſhall be at Liberty to change his ſettled Reſidence from under the Juriſdiction of one or more Magiſtrates to that of another, without applying for and obtaining a freſh Licence for that Purpoſe, that every ſuch Change of Reſidence or Extenſion of Licence may be inſerted in the General Regiſter.

14. That all Applications from Individuals to the Board relative to the Covenants to be executed for local Licences, or for ſeveral, or Change thereof, be forwarded through the Regiſter of Covenants; and that Notice be given by public Advertiſement, that no Applications will be received by the Secretary through any other Channel.

15. The Board, adverting alſo to the general Object of Control propoſed by the Honourable Court of Directors, in requiring the Subſcription of Covenants, and wiſhing, as far as poſſible, to limit the Diſcretion of Government in Caſes where an Acquieſcence with Applications would with Difficulty be withheld, it is agreed to adopt the following Rules as the general Principles upon which the Deciſions of Government ſhall be formed.

16. That no Britiſh Subjects who have arrived in Bengal ſince the 31ſt December 1794, or ſhall arrive in Bengal in future without the Licence or Permiſſion of the Honourable the Court of Directors, be allowed to execute Covenants, or to receive Licences for remaining in India.

17. That no Diſcharge be granted to any Perſons who have contracted or ſhall contract to ſerve the Company as Soldiers, until the Expiration of the contracted Period, except upon Condition of their returning to Europe within a preſcribed Time, and upon their giving Security to perform the above Condition.

18. This Reſolution does not of courſe include Caſes of Neceſſity, from Indiſpoſition.

19. That no Perſons who have arrived in India ſince the 1ſt of January 1794, or ſhall arrive in future, having executed the Indentures of a Free Mariner in England, be permitted to reſide in any Part of the Provinces at a greater Diſtance than Ten Miles from the Preſidency.

20. That no Britiſh Subjects not in His Majeſty's or the Company's Service, be permitted to reſide in any Part of the Company's Provinces at a greater Diſtance than Ten Miles from Calcutta, without the ſpecial Permiſſion of this Government.

21. That all Applications for ſuch Permiſſion be made to the Regiſter of Covenants, and the Application is to ſpecify the Object for which ſuch Permiſſion is requeſted, and the Period of intended Reſidence.

22. That the Regiſter ſubmit all ſuch Applications to the Governor General in Council, with Information whether the Perſon has or has not ſigned the preſcribed Covenant, and obtained a Licence to remain in India.

23. That all Europeans under the Protection of the Company not being in the Service of His Majeſty or the Company, who have not obtained Permiſſion to reſide in any Part of the Province at a greater Diſtance than Ten Miles from Calcutta, in the Event of their wiſhing to travel to any Place or Station within the Provinces at a greater Diſtance from Calcutta than Thirty Miles, be required to apply for a Paſs for that Purpoſe to the Regiſter of Covenants.

24. The Regiſter is to tranſmit the Application to the Secretary to the Government, with Information, as preſcribed in the preceding Regulation, and the Secretary upon receiving it is authorized to grant the Paſs applied for, provided the Perſons have executed Covenants. This Rule is not meant to include Foreigners in the Service of States having Factories or Settlements in theſe Provinces, neither is it to apply to any Perſons travelling from Calcutta by the River Houghly to the Sea.

25. That all Licences permitting Britiſh Subjects, or Europeans under the Protection of the Company, to reſide out of Calcutta, be regiſtered; and that Notice of every ſuch Permiſſion be ſent by the Regiſter of Covenants to the Magiſtrate of the Diſtrict where ſuch Perſon has obtained Permiſſion to reſide.

26. The Magiſtrates are authorized to ſtop or detain Europeans travelling through the Diſtricts without a Paſs or Permiſſion.

27. That no Permiſſion be granted in future to any Britiſh Subjects not in the Service of His Majeſty or the Company to ſettle within the Provinces of the Nabob Vizier.

Vizier. This is not to prevent Permiſſions being granted to Perſons viſiting the Provinces of the Nabob Vizier for temporary Purpoſes, and a limited Time to be ſpecified in each Permiſſion, which ſhall be declared null and void, when the limited Period has elapſed; ſuch Permiſſions to be granted by the Secretary, with the Knowledge and Sanction of the Governor General.

28. That for the preſent no Applications from any Europeans, not in the Service of His Majeſty or the Company, to reſide in the Province of Benares, for the Purpoſe of making new Eſtabliſhments there, be admitted.

29. That it be the ſpecial Duty of the Regiſter to prepare annually the Liſt required by the Orders of the Honourable Court in the 5th Paragraph of their General Letter of the 11th December 1793, to be ready for Tranſmiſſion by the 1ſt of January in each Year; and that for this Purpoſe he is to form an annual Advertiſement, addreſſed to the Inhabitants of Calcutta and its Environs, to be iſſued in the Firſt Week in October in each Year, and for the Three following Weeks, requiring them to tranſmit to the Regiſter their Names by the 1ſt of November, the Advertiſement to be ſigned by the Secretary to Government.

30. That the ſeveral Magiſtrates and Reſidents be required to tranſmit annually to the Regiſter's Office, ſo as to arrive before the 1ſt of November of each Year, Liſts of the Europeans reſiding in their reſpective Diſtricts, to enable the Regiſter to render more complete the Information required by the before-mentioned Paragraph of the General Letter of the 11th December 1793, and at the ſame Time to aſcertain whether there be any Europeans reſiding therein who have not entered into Covenants, and received the Government Licence for their local Reſidence.

31. That in order to aſcertain any Perſons who may hereafter arrive in Bengal by Foreign Veſſels, as well as for Objects of Police, it be made a Standing Regulation:

32. That the Commanders of all Foreign Veſſels importing at Calcutta be required, on their Arrival, to deliver into the Maſter Attendant's Office a Liſt, ſpecifying the Names of the Commanders, Officers, Crews, and Paſſengers on board the ſaid Veſſels; and that the Maſter Attendant be required to report to the Regiſter the Names of any Paſſengers, and to keep in Depoſit all the Liſts, furniſhing a Copy of each to His Majeſty's Juſtices of the Peace.

33. That the Cuſtom Maſter be poſitively prohibited from permitting any Foreign Veſſel to import at Calcutta until the Maſter Attendant ſhall have certified that ſuch Liſt has been delivered to him.

34. That all Britiſh Subjects in the Company's Civil or Military Service, or having a Licence to remain in India, are prohibited, after the 15th March 1796, from giving Aſſiſtance and Encouragement to the Reſidence of any unlicenſed Perſon in India.

35. The Maſter Attendant is further enjoined to report to the Secretary of Government the Name of every Foreign Veſſel, and of the Commander, who ſhall neglect, within 48 Hours after his anchoring at Calcutta, to comply with the preſcribed Regulations.

Agreed, That in conſideration of the Duties of the Office of Regiſter of Covenants, he be allowed the Monthly Sum of 500 Rupees; and as the Functions of his Office commenced on the 1ſt of April laſt, ſince which Time the Formation of the general Regiſter has been going on, that his Salary commence from that Date.

That he be further allowed Two Clerks, One at 100 Sicca Rupees and One at 60 Sicca Rupees per Month, to be drawn for from the ſame Period; and that he be alſo allowed the uſual Sum of 250 Rupees per Month for furniſhing an Office where the Inhabitants may attend for the Execution of their Covenants, wherein the Covenants executed may remain in Depoſit, and the current Detail of the Regiſter Duties be performed; but as the Neceſſity of this laſt Expence will not exiſt until theſe Regulations take Effect, the Operation of this Part of the Order is ſuſpended until the 1ſt of Auguſt.

Agreed, That the Regiſter be alſo authorized to receive the following Fees from the Perſons executing Covenants, which are to be paid at the Time of ſigning them, viz.

For every Free Merchant's Covenant (Sixteen) 16 Sicca Rupees: For every Free Mariner's or other Covenant of Reſidence, on which the Security given is

£500. (Eight) 8 Sicca Rupees: For every Free Mariner's or other Covenant of Reſidence, on which Government may be induced to leſſen the Security below £500. (Four) 4 Sicca Rupees: For every Licence for Local Reſidence (Two) 2 Sicca Rupees.

Ordered, That a ſufficient Number of Licences for Local Reſidence, and of the Security Bonds for Free Mariners and others, be printed at the Company's Preſs, and furniſhed to the Regiſter.

Form of the Licence for Local Reſidence.

"THESE are to certify, that A. B. having [with the Conſent of Directors, as the Caſe may be] duly executed the Covenants of a Free Merchant [or Perſon permitted to reſide in India for a limited Time], has alſo obtained the Licence of the Governor General in Council to reſide in the Diſtrict [or Diſtricts] ſubject to the Judicial Authority of the Judge or Magiſtrate of , and to follow his lawful Occupation therein, ſubject to the Conditions expreſſed in his Covenants aforeſaid, and to conforming to all the Regulations of the Governor General in Council now in force or that may hereafter be eſtabliſhed. Dated at Fort William this Day of 1795.

(Signed) T. D."

N. B. In the Event of the Licence being granted for the Dominions of His Excellency the Vizier, the Permiſſion is to be confined to the City of Lucknow, or one of the Company's fixed Military Stations; and Licences of this Kind can only refer to Perſons already there.

No. XLII.

EXTRACT BENGAL POLITICAL CONSULTATIONS, 29th February 1796.

Extract of Letter from G. F. Cherry, Eſquire, Reſident at Lucknow, dated 15th February 1796.

I do myſelf the Honour to encloſe the Tranſlation and Copy of a Letter which I have received from his Excellency the Vizier.

2. Notwithſtanding the dilatory Progreſs of the Meaſures directed by his Excellency in regard to his Affairs, I beg Leave to obſerve, that the Letter now tranſmitted for your Conſideration and Inſtructions appears replete with eſſential Points, and particularly diſplays a deſire for the Encouragement of the Commerce, that has hitherto laboured under all the Diſadvantages with which the narrow Principles of Eaſtern Politics could have encumbered it.

10. The Commercial Treaty, the Intimacy between the two Governments, and the Intercourſe between the Subjects of each, the Benefits ariſing to each State, and to their individual Subjects, from the Commerce of both Countries, point out that the Reſidence of any Claſs of foreign People in either Territory, for the Purpoſe of Trade, is materially connected with the Subject of his Excellency's Letter; and his Excellency has introduced the Reſidence of Europeans in Oude in it, as well becauſe the greateſt Commerce of his Country is carried on by them, or in their Names, as becauſe they, as being Engliſh Subjects, are under the more efficient Authority of the Engliſh Government, reſide in Oude by a mutual Indulgence, and conſequently demand that the Exerciſe of a Controul over them ſhould appear a mutual Act.

11. I ſhould be wanting in Candour toward the Generality of Europeans reſiding in Oude, did I not obſerve, on this Part of his Excellency's Letter, that the Errors of which he complains have been the natural Reſult of a weak and ill-adminiſtered Government, that I have always found theſe Gentlemen obedient to the Commands of the Vizier's Government, as well as to the eſtabliſhed Regulations of the Company's; but that the Want of Juſtice, the Channel of Intrigue which that Want points out as the Alternative, and the Readineſs of the Chief Officers

Officers of this State to unite in ſuch Channel for their own Benefit, have compelled Europeans, as a ſole Reſource for any Commerce whatever, to have Recourſe to Means foreign to eſtabliſhed Regulations, and which are now objected to by the Nabob.

12. On this Account, in the Correction of an Evil of which his Excellency complains, I humbly preſume to obſerve, that Meaſures calculated to provide the Remedy required ſhould be framed with due Attention to the real Cauſe of it, viz. the Weakneſs of the Government, and to the Extent of the Incumbrances which Individuals have brought on themſelves, whether encouraged thereto by Proſpects of Benefit, or compelled by the Want of an Alternative. On whatever Grounds his Excellency objects to the Farms held by Europeans, the Practice is of old ſtanding. They have expended large Sums of Money in Factories, Advances, &c.; and the immediate Execution of the Vizier's Pleaſure, in this Reſpect, cannot fail of bringing down Ruin on them, without Benefit to the State. I will not preſume to dwell much on the Argument urged in general in this Reſpect, however true it may be, viz. that their Labours are uſeful to the State, as well by employing its Manufactures as by their Encouragement to Cultivation, and their Punctuality in Diſcharge of their Revenues, becauſe political Grounds may be introduced in Favour of his Excellency's Objections: but I conceive, that His Excellency's Wiſhes may be complied with, and the Ruin which hangs over the European Merchants now in theſe Provinces may be prevented, by obtaining for them a Privilege in regard to Time. With this View, I requeſt your Permiſſion to apply to his Excellency in their Behalf, for an Extent of Time to the Period of their exiſting Engagements with the Aumils, to demand from them an Obligation, promiſing neither to renew their Engagements, nor to diſpoſe of their Licence, without the Vizier's written Sanction: And, in order to convince his Excellency that this Application is not meant to continue a Practice to which he has now for the firſt Time declared his Objections, I beg Leave farther to uſe your Authority in aſſuring him, that on the Expiration of the preſent Leaſes new ones ſhall depend on his Pleaſure; nor ſhall any Demands on account of Buildings or other Expences be conſidered as poſſeſſing any Weight. On the other Hand, the Aumils muſt be as particularly enjoined to obey his Excellency's Pleaſure in this Reſpect, by being made ſenſible, that if in Diſobedience thereto any Connection be formed, they are liable to all the Penalties which Juſtice can ſuggeſt, and Puniſhment can dictate.

13. Under the above Conditions, I conceive that while the Merchants now engaged in Commerce, and holding Farms for the better Proſecution of their Mercantile Tranſactions, are ſheltered from the Ruin to which they are expoſed by the Vizier's Order, the Objection which he has announced to the Practice (in which his own Aumils and other Officers are equally concerned) loſes nothing of its Force, except the Indulgence which the Merchants may enjoy from it, limited in Time and reſtricted in Syſtem. But I beg Permiſſion to intrude a Remark ariſing from the Subject, and not confined to Individuals. European Merchants find Encouragement to rent Farms in the Mahratta Country, contiguous to the Vizier's Frontier; Indigo is at preſent their principal Purſuit, and it is produced at leaſt as good in the Mahratta Territory as in the Vizier's Dominions. I truſt that it will not be conſidered foreign from the Subject of my preſent Addreſs, if I ſuggeſt the Conſideration in a political Senſe, ariſing from compelling Merchants to carry on a beneficial Trade in a foreign Country, when not only the Advantages of large Expenditures, but alſo the Cultivation of large Tracts of almoſt Waſte Land, and punctual Payments of Revenue, are the Conſequences of encouraging their Preference to the Government of an Ally. It remains however with you, Honourable Sir, to decide on the Obſervation, when it is compared with the Principle that rules the Company's Connexion with Oude, and with the Nature of the Regulations under which you can give your Sanction to Recommendations to the Vizier, on a Point which he has ſubmitted to your Diſcernment and Deciſion. In the preſent State of this Government I am diſpoſed to coincide in Opinion with many in theſe Provinces, on the Impracticability of carrying on Trade, particularly in Indigo, unleſs they hold Land in farm for the Cultivation of the Plant. Cloths, and every other Article of Trade where Advances are made, are ſubject nearly

nearly to the ſame Inconvenience; for in every Article the Merchant requires a Share of the Patronage of Government in conjunction with the Cultivator and Manufacturer, and can expect no fair Dealing but by means of a Power to enforce it. A regular Syſtem of Juſtice would remove this Inconvenience, which the Merchant experiencing has endeavoured to alleviate, by connecting himſelf with the Aumil and Officers of Government, but which under the preſent Diſpoſition of the Vizier with regard to Farms will be greatly increaſed. I am not however ſanguine in my Expectations of ſuch Improvement being ſpeedily acquired.

14. Having availed myſelf of his Excellency's Letter to ſubmit the Subject of the Commerce carried on by Europeans in Oude to your Notice, and having intruded my Remarks on the Neceſſity of holding Farms, as urged by them, with his Excellency's Objections to the Practice, and conſidering that the State of this Government does not warrant Hopes that any Regulations will be eſſential but by a hearty Concurrence of this Government, to be ſecured by a Perſeverance in the Uſe of Arguments founded on ſincere Good-will to the Vizier; I ſhall conclude this Part of his Excellency's Letter with ſuggeſting, for the better Execution of the Duty of your Repreſentative at this Court, the Propriety of inculcating to every European or Subject of the Company who may trade in Oude, the abſolute Situation in which he is placed by the political State of the Alliance, viz. that the Connection of the Engliſh Government with that of the Vizier does not entitle them to the Countenance of the Company beyond the Impreſſion which friendly Advice can furniſh to them; for, by recent Cauſes of Diſagreement between them and the Vizier's Aumils, it is evident that they underſtand the Extent of the Licence granted to them to trade in theſe Provinces to be a Protection, which, particularly among Natives ſo little accuſtomed to hold the Government in Awe, might involve the more important Textures of the Alliance in a ſerious Predicament. The Commercial Treaty denotes the Protection to be furniſhed to European and Native Merchants who are Subjects of the Company, while the Alliance of the Two States is founded on Principles which militate with thoſe Sentiments of poſitive Aſſiſtance entertained on the Extent of Support and Protection to which Merchants conceive themſelves entitled under the Licence granted to them.

15. The Reſtriction on Europeans coming into the Vizier's Territories is repreſented to me as ſuggeſted from a Practice obſerved by thoſe who obtain Licences to come to a Military Station, and who after a ſhort Reſidence there fix themſelves by a Connection with the Aumil in various Parts of the Country, unknown to the Vizier and myſelf. His Excellency ſubmits the Remedy, as far as the European is concerned, to your Conſideration for the future; and I beg Leave to ſuggeſt, that Orders be iſſued to the Commanders of the Military Stations, to prevent thoſe reſiding within their Juriſdiction from quitting it, but with the Vizier's Permiſſion, unleſs to return to the Company's Provinces. I am ſenſible of the Difficulty of enforcing this Regulation; but under the above Suggeſtion, I can hardly believe that any one will venture the Riſks to which a Diſcovery of his Evaſion of it muſt ſubject him.

16. I ſhall poſtpone the further References which his Excellency's Letter contains to my Addreſs on the immediate Object of them, and flatter myſelf that the Intricacy and Difficulty of propoſing Remedies to Evils exiſting on a Subject ſo important as Trade carried on under limited Protection by a foreign People, and in a Country where yet while the Bleſſings of good Government are ſcarcely known, will plead for my Intruſion on your Time, and for the Suggeſtions which better Abilities, and particularly thoſe of the Gentlemen through whoſe Agency the Commercial Treaty was framed, can doubtleſs improve.

42 A. Tranſlation of a Letter from the Vizier to the Reſident at his Court, received 21ſt January 1796.

"Thanks to Heaven that the Friendſhip which was eſtabliſhed during the Life of the Nawaub Sujah ul Dowlah between him and the Company is duly increaſing; and notwithſtanding the Revolutions and Changes of Time, during which the Governments of mighty Princes are deſtroyed, this Government remains protected by

by the Hands of Providence. The Governor General, through the Channel of your Exertions, your Zeal, and Labours, and influenced by the Impulſe of his own Virtues and Sincerity, expreſſes his Friendſhip in his Deſire for the Proſperity of this Government, and for my Happineſs and Power, and has been pleaſed to fill his Letters with the moſt friendly Expreſſions. In order the more to ſtrengthen my Confidence, he has alſo, on Principles of affording Satisfaction to me in every Tranſaction, given you Permiſſion to act in every thing which can relate to the Arrangement of Affairs, and to the Recovery of the Government from its Diſorder and Confuſion. I cannot but be thankful for ſuch Kindneſs: having had perſonal Conferences with you relative to an Arrangement of Affairs here, I am in every Reſpect perfectly eaſy in my Mind; your Endeavours and your Diſpoſition, ſo well inclined for my Proſperity, and ſo attentive to the Preſervation of my Authority, have made an Impreſſion on me, and with the Aſſiſtance of the Divine Will, and the Friendſhip of the Governor General, I am engaged in ſettling the Affairs of the Country and Revenue on my own Judgment. By the Bleſſing of God, after a Lapſe of Years, during which many Matters have taken place which are contrary to the Proſperity of Government, and ever inimical to the Principles of it, the Affairs of my Government are getting into Train. With the Aſſiſtance of Heaven, and the Friendſhip of the Governor General and your Exertions, the Country will be rendered flouriſhing, and every one will be made acquainted with my Benevolence for the Company, in like Manner as they have granted their Aſſiſtance for the good Order of Things, will keep in View the Plan which I have adopted, and will furniſh their Aid in remedying Things which are contrary to it.

" I have already communicated a few of my Sentiments to the Governor General relative to important Affairs, and he has been pleaſed to ſignify his Kindneſs; in conſequence of which, Remedies are applying thereto, purſuant to the Plan. As by virtue of his ſincere Attachment I conſider Deliberation and Conſultation with him as the Ground-work of Proſperity, I am now deſirous of making known to him ſeveral other Matters. Among other Things in agitation, are the Reſidence and Commercial Tranſactions of the Engliſh Gentlemen in my Country. Although purſuant to the Conferences between Marquis Cornwallis and Hyder Beg Khan, it was agreed, that when they came into my Country they ſhould procure the Conſent of the Governor General and myſelf, yet after their Arrival here they arranged their Matters with my Aumils and other public Officers, and eſtabliſhed many Things which are contrary to my Pleaſure. Among others, they farm Diſtricts from the Aumils, without my Knowledge or Conſent. I do not approve of this, and have forbid it, in order that my Authority may be obeyed in every Place. It is undoubted, that in every Country the Protection and Encouragement of Commercial Men is a Source of Benefit to the State, and I am from my Heart deſirous of encouraging them; but let it be with due Attention to the Principles of Government, and prove a Source of Increaſe to the Friendſhip and Intimacy between the Company and me; and let them carry on their Trade in perfect Confidence, purſuant to the Stipulations in the Commercial Treaty, that their Labours may be productive of Benefits to both States. In conſideration of the Intimacy between the Governments, and the great Intercourſe between our Subjects, the Permit Office was eſtabliſhed, according to the Commercial Treaty; but ſeveral Points relative to that Office are not arranged as they ought to be, and the Governor General's Kindneſs is neceſſary to carry into Execution the Stipulations of the Commercial Treaty.

" As, by the Bleſſing of God, the Foreſight and Experience of the Governor General have ſo diſplayed themſelves, that the Company's Troops ſtationed in my Country are ready on every Occaſion, conformably to our Engagements, and with reſpect to their Supplies, and their Intercourſe with the Country, ſuch a Syſtem is laid down, that there is no Difference between them and my own Subjects; but, on Conſideration of Events which occurred ſome Months ago, I conceive that the Reſidence of Engliſh Gentlemen in ſuch Parts of my Country as they ſelect, particularly thoſe who are not in the Company's Service, is replete with great Dangers; and I conceive it will be adviſable, that when any not in the Company's Service are deſirous of coming into my Country for their own Affairs, they ſhould exhibit my Duſtic, and the Governor General's Orders, at the Stations on the Road.

"Although for the Sake of a great Name, which on Condition of Protection to Mankind is the Gift of Heaven, I am anxious for the Profperity of Merchants, and for Succefs to Commerce, and my Mind wifhes for the Eafe and Quiet of every Clafs of People, the Dependents of both Governments, yet the Engl fh Gentlemen who are Merchants, if they deviate from the Syftem of Merchants, and fwerve from the Laws of Obedience, how can they expect to meet with the Encouragement of Merchants?"

No. XLIII. Extract of Letter from the Governor General (Sir John Shore) to G. F. Cherry Efquire, Refident at Lucknow, dated 29th February 1796.

I have received your Letter of the 15th Inftant, with Copy and Tranflation of a Letter from the Vizier to you enclofed.

From a thorough Conviction of the political Inconveniencies attending the Eftablifhment of Europeans in His Excellency's Dominions, I have invariably oppofed all Applications for this Purpofe; and to limit the Difcretion of Government in this Refpect, a Regulation has been paffed, that no Permiffion fhall be granted to any Europeans to refide in Oude. The Detail of thefe Inconveniencies is unneceffary; it is fufficient to obferve, that fuch Eftablifhments lead to improper Connection with the Vizier's Aumils, to an Interference in the Revenues of the Country, to the Exercife of undue Authority over the Vizier's Subjects, to Altercations and Conteffs with them, and, what is of more Importance, to the Degradation of the Britifh Character, as exhibited in the Conduct of Individuals, or in their Submiffion to the Authority and Controul of the Vizier's Officers, and in the Injuries which they occafionally fuftain by the Denial of Juftice, and the Exercife of Oppreffion over them.

To whatever Degree the Commercial Benefits of the Vizier's Country may be extended from the Trade carried on by Europeans in Oude, I cannot but be of opinion that they are more than counterbalanced by the political Evils refulting from the Eftablifhment of Europeans there; and whilft thefe Evils muft be progreffive under the Imbecility of the Vizier's Government, and the Inexiftence of a due Adminiftration of Juftice, they cannot be totally prevented under any Syftem. I am not therefore furprized that the Vizier fhould prohibit Europeans from holding Farms in his Dominions; I am only aftonifhed that they fhould ever have obtained Permiffion for this Purpofe. The Revocation of it is at the exclufive Option of the Vizier.

In confidering your Remarks on this Subject, the following Suggeftions occur:

I defire, in the firft Inftance, that you refer to your official Records, to afcertain the Names of all Perfons being Britifh Subjects who have received Permiffion to remain in Oude, and the Nature and Extent of fuch Permiffion; and that you will call upon all others not in His Majefty's or the Company's Service, now refiding in the Vizier's Dominions, to lay before you the Authority by which they remain there.

With refpect to Europeans who have formed Eftablifhments in Oude without the expref's Authority of this Government, or that of the Vizier, they can have no Right of Refidence whatever; and Notice fhould be given to them to repair to this Prefidency within a limited Time, Three or Six Months at the fartheft from the Date of the Notice.

No Permiffion can in any Inftance have been granted by this Government, for Europeans under its Authority to hold Farms in His Excellency's Territories; and the immediate Refumption of them in every Inftance depends upon his Pleafure. To the Exercife of this Power I fhould not oppofe any Objection, where the Conduct of the Parties concerned may have expofed them to the Difpleafure of the Vizier; and I acquiefce with Reluctance even in a Modification of your Propofition for the Continuance of thefe Farms in any Inftance.

Any Promife or Obligation on the Part of his Excellency to permit the Continuance of Farms for any Period, with the Concurrence of this Government, would

would give the Holders of ſuch Farms a Claim, in ſome Degree, to its Support. I would therefore recommend to the Vizier, to iſſue a Declaration for the Obſervance of his Ammils, expreſſing his Diſpleaſure at their Conduct, in ſuffering Europeans to hold Farms, or have any Concern, directly or indirectly, in the Management and Collection of the Revenues without his Authority, and prohibiting, in the moſt expreſs Terms, the Exerciſe of any ſuch Diſcretion in future, or the Extenſion of any exiſting Engagements which they may have entered into, and requiring them to ſend authentic Copies of all exiſting Engagements for his Excellency's Information and Deciſion. By theſe Means the Progreſs of the Evil will be prevented, and when the required Information is obtained, his Excellency will be better enabled to determine whether any Indulgence is neceſſary, and the Extent of it; and I can only ſay, that I think in all Caſes it ſhould be confined within the narroweſt poſſible Limits, to enable the Parties concerned to cloſe their Tranſactions without ruin to themſelves.

I deſire you will prepare, as ſoon as poſſible, a complete Liſt of all Europeans not in His Majeſty's or the Company's Service, reſiding within the Territories of the Nabob Vizier, and tranſmit the ſame to me, with a Memorandum to each Name as expreſſing the Authority and Object of their Reſidence, as far as your official Information extends.

As Europeans obtain occaſional Permiſſion to repair to the Stations of the Army or into other Parts of his Excellency's Dominions, I have directed the Secretary to tranſmit you Copies of all ſuch Permiſſions which have been or may in future be granted; and Orders will be ſent to the Commanding Officers of the Military Stations, to ſtop and arreſt any Europeans not in His Majeſty's or the Company's Service, who may in future proceed to the Army Stations without a written Permiſſion. With the Information which you will receive from the Secretary, there can be little Difficulty in preventing any Evaſion or Abuſe of the occaſional Authority which may be granted, or of apprehending thoſe who may make the Attempt.

EXTRACT BENGAL POLITICAL CONSULTATIONS, 8th May 1797.

To Mr. Lumſden, Reſident at Lucknow. No. XX.

Sir,

UNDER the exiſting Regulations, Europeans in general (with ſome few Exceptions) are prohibited from viſiting His Excellency the Nabob Vizier, without Application to and obtaining the previous Sanction of the Reſident. I now think it neceſſary to direct, that you will be particularly careful to enforce ſtrict Obedience to this Rule, and that you will conſider it as extending to all Europeans whomſoever, who ſhall viſit or reſide in His Excellency's Dominions, whether they may or may not be in the Service of the Company.

Fyzabad,
13th April 1797.

I am, &c.
(Signed) J. SHORE.

A. D. 1797, Regulation XI.

A Regulation for amending the Form of Bond to be executed by Britiſh Subjects or others not amenable to the Zillah and City Civil Courts, on their inſtituting Suits in ſuch Courts, and for preſcribing a Form of Bond to be executed by the Sureties of Defendants in the above Courts; paſſed by the Governor General in Council on the 13th October 1797, correſponding with the 30th Aſſin 1204 Bengal Era, the 8th Kantick 1205 Fuſſily, the 30th Aſſin 1205 Willaity, the 8th Kantick 1854 Sumbut, and the 21ſt Rubbee us Sanee 1212 Higeree.

The Form of Bond preſcribed by Section VII. of Regulation XXVIII. 1793, having been found defective, and no Form having been yet preſcribed, for the Security Bonds for the Appearance of Defendants required by Section V. of Regulation

lation IV. 1793; the Governor General in Council, with a View to ſupply this Defect and Omiſſion, has paſſed the following Rules to be conſidered in force in the Provinces of Bengal, Behar, Oriſſa, and Benares, from the Date of the Receipt of this Regulation by the ſeveral Courts reſpectively.

II. Inſtead of the Form of Bond preſcribed by Section VII. of Regulation XXVIII. 1793, the following Inſtrument is to be hereafter executed by the Plaintiffs therein referred to, viz. Britiſh Subjects, or other Perſons not amenable to the Juriſdiction of the Zillah and City Civil Courts:

"KNOW all Men by theſe Preſents, That I of but now reſiding at in the Zillah of (or in the City of) in the Province of am held and firmly bound unto Judge of the Dewanny Adawlut of the ſaid Zillah (or City) in the Sum of to be paid to the ſaid , his Executors, Adminiſtrators, or Aſſigns; for which Payment well and truly to be made, I do hereby bind myſelf, my Heirs, Executors, and Adminiſtrators, firmly by theſe Preſents. Sealed with my Seal, and dated this Day of in the Year of Chriſt

"Whereas the above-bounden hath on the Date hereof commenced an Action, Cauſe, or Suit, in the ſaid Dewanny Adawlut, before the ſaid againſt: Now, the Condition of this Obligation is ſuch, that if the ſaid , his Heirs, Executors and Adminiſtrators, and every of them, do and ſhall on his and their Parts and Behalves in all Things well and truly ſtand, to obey, abide, obſerve, perform, and fulfil all ſuch Judgment and Judgments, Order and Orders, Decree and Decrees, as ſhall or may be at any Time given in the ſaid Action, Cauſe, or Suit in the ſaid Court of Dewanny Adawlut, at or by the Provincial Court of Appeal, or Court of Sudder Dewanny Adawlut, then this Obligation to be void or elſe to remain in full force and virtue.

"Sealed and delivered (where no Stamps are in uſe or to be had), in the Preſence of - -"

III.—Firſt. The following Form of Security Bond, or an Inſtrument to the following Effect, is to be hereafter executed by the Sureties, for the Appearance of Defendants in the Zillah and City Courts required by Section V. of Regulation IV. 1793:

"Whereas a Suit has been inſtituted in the Dewanny Adawlut of the Zillah (or City) of , by Plaintiff, againſt Defendant: And whereas I , Inhabitant of , have voluntarily become Security for the Appearance of the ſaid Defendant, to anſwer to the above Suit, and perform all ſuch Orders as may be paſſed thereupon, until the final Decree on it ſhall have been carried into Execution; I do therefore hereby engage and bind myſelf, my Heirs and Succeſſors, that the ſaid Defendant ſhall appear in Perſon, or by Vakeel, to make Anſwer to the Plaint againſt him, in the Suit aforeſaid, on the , being the Day on which his Appearance has been required in the ſaid Zillah (or City) Court; and further, that the ſaid Defendant ſhall perſonally attend at the ſaid Zillah (or City) Court, whenever the ſame may be required by the Judge thereof, at any Time whilſt the above Suit is depending before the Zillah Court or Provincial Court of Appeal, or Court of Sudder Dewanny Adawlut, or before the final Decree which may be paſſed thereupon by the above Courts reſpectively, ſhall be fully and completely carried into Execution: In Default of which, and in the Event of my not producing the ſaid Defendant, when called upon, I will be anſwerable for ſuch Sum as may be adjudged againſt him, and for the Performance of whatever Order or Decree may be paſſed againſt him on the Suit above mentioned."

Second. Nothing, however, contained in this Section, ſhall be conſidered as ſuperſeding the Exception made in favour of the Perſons ſpecified in Section X. Regulation VIII. 1795.

Extract

Extract Political Letter to Bengal, dated 4th October 1797.

Paragraph 15. It is neceſſary to remark in this Place, that the Inconvenience attending the Eſtabliſhment of Europeans in Oude are ſo ſtrongly ſtated in Sir John Shore's Letter to the Reſident, of the 29th February 1796, that we cannot heſitate in expreſſing our decided Approbation and expreſs Confirmation of your Reſolution probibiting Europeans from holding Farms, or reſiding in the Vizier's Dominions.

Extract Public Letter to Bengal, dated 11th June 1800.

Paragraph 17. In our annual Appointments of Writers for your Preſidency in and ſince 1790, although no preciſe Eſtabliſhment for the different Offices has been determined on, we have had in view the ſeveral Alterations that have taken place in your Eſtabliſhments in general in the Courſe of the laſt Ten Years, and the Number neceſſary to ſupply Caſualties in the Service.

18. We have alſo had it in Contemplation to reduce the Number of uncovenanted European Monthly Writers employed in the ſeveral Offices; but we obſerve the Directions we gave on this Subject, in our Letter of the 16th May 1792, have not been carried into Effect; as by your Book of Eſtabliſhments, on the 30th April 1798 upwards of 100 of theſe Writers continued to be employed, excluſive of Portugueſe, at an Expence of £30,000 per Annum.

19. On your public Proceedings of the 16th January 1789 you ſtate, as an apparent Reaſon for Appointments of this Kind, the numerous Applications that are made to the Members of Government, and to the Secretary, by Perſons not in our Service, for Employment. Embarraſſing as ſuch Applications may have proved, we cannot admit the Propriety of attending to them, as the Conſequences muſt be prejudicial to our Service, by encouraging the Reſort to and Reſidence in India of Perſons not licenſed by us, and of whoſe Characters and Connections we are ignorant; allowing them therefore to obtain an Inſight into our Concerns by giving them Situations in the Offices under Government, we conſider highly impolitic.

20. We are aware that by our ſeparate Letter of the 21ſt September 1785, Paragraphs 13 and 14, a Latitude is apparently given for employing Monthly Writers in copying Papers, as a Meaſure that might prove economical, but this muſt be conſidered applicable principally to Natives; and, in reſpect to the Employment of European Monthly Writers, a Peruſal of your Public Proceedings of the 27th June 1796 to 29th May 1797 has convinced us it has not been conducted on Principles of Economy; otherwiſe we conſider it impoſſible that your Secretary could have effected, as he has with ſo much Credit to himſelf, a Saving of upwards of a Lac of Rupees per Annum in the Office Eſtabliſhment of Writers. This Circumſtance itſelf is ſufficient to prove that Abuſes have prevailed in regard to the Appointments of ſuch Writers.

21. We obſerve by your Books of Eſtabliſhments for ſome late Years, that the Aſſiſtant in the Governor General's Office is an uncovenanted Writer; and in the Secret Department under your Secretary, ſometimes One, at the moſt Three covenanted Servants have been ſtationed, while the Number of uncovenanted European Writers has been conſiderable. This we can by no means approve, as we muſt ever be of opinion, that the Knowledge of our political Concerns ſhould be confined to our covenanted Servants.

22. Excluſive of the Number of Monthly Writers employed generally in the other Offices, ſome Places are held by Perſons of this Deſcripton, which, as Vacancies occur, muſt be filled by covenanted Servants; ſuch are the Deputy Civil Auditor, the Aſſiſtant to the Secretary to the Salt and Opium Department, and a few others. The Aſſiſtantſhips to the Salt Agents, notwithſtanding the cogent Reaſons given by the Governor General on your Proceedings of 22d December 1794, for appointing covenanted Servants thereto, are ſtill held by uncovenanted Writers.

23. The Allowances annexed to the Offices held by Monthly Writers in ſeveral Inſtances exceed thoſe granted to the covenanted Aſſiſtants; the latter therefore muſt be conſidered entitled to Appointments of the Kind alluded to, as well from

the Importance of the Offices as the Emoluments attached thereto. We obſerve alſo, that ſome of the Monthly Writers hold Stations in different Offices at the ſame Time, which we entirely diſapprove.

24. Although ſome of the Appointments in Queſtion may have originated in the peculiar Qualifications of the Perſons appointed for the Offices they hold, ſtill this evidently proves the abſolute Neceſſity of training up the Junior covenanted Servants to the Duties of the ſeveral Offices under your Government, by ſtationing them as Aſſiſtants in theſe Offices at an early Period, as noticed in our Letter of the 8th July 1785.

25. It will naturally occur to you from what we have now ſaid, that a Reduction muſt be made on every Opportunity that offers in the Number of uncovenanted Europeans at preſent employed. From Motives of Humanity, and becauſe it might create Confuſion, we do not wiſh you immediately to diſmiſs any of them; but as Vacancies happen, you will not fail to ſupply the different Offices with the requiſite Number of Aſſiſtants from amongſt the covenanted Writers annually ſent out by us, conformably to our former Orders; and we prohibit the Appointment of uncovenanted Europeans in any of the Offices in future.

26. You will of courſe be careful that the Junior Part of our Servants when appointed Aſſiſtants in the Offices, diſcharge the Duties aſſigned to them with Diligence and Punctuality, as it is by ſuch Conduct alone they are to hope for Preferments to Stations of greater Truſt and Emolument; on the other hand, Idleneſs and Neglect are to be puniſhed in the moſt exemplary Manner; and we direct that you report to us any Inſtances that occur amongſt the Junior Servants of Inattention to their official Duties, as we ſhall not fail to mark our Diſpleaſure at ſuch Miſconduct by an immediate Removal from the Service of the Perſons guilty thereof.

27. As you are now engaged in a Reviſion of the ſeveral Eſtabliſhments, it is poſſible you may think it right to make ſome Reductions in the Number of Officers for this Reaſon; and as ſince the foregoing Paragraphs were drafted we have received your Advices by the Alligator, by which we are informed of ſome Alterations made in thoſe Eſtabliſhments, we do not mean at preſent to give you any poſitive Directions as to the Number of covenanted Servants which we conſider requiſite for the various Departments under your Government, and as we wiſh to have a Report from you on this Point, which you will accordingly furniſh by the earlieſt Opportunity; and although the foregoing Obſervations are confined to the Civil Eſtabliſhments wherein the greateſt Number of uncovenanted Europeans are employed, yet in framing your Report as above directed you will alſo take into Conſideration the Offices in the Marine and Military Departments, where ſeveral of the ſame Deſcription hold Appointments, but in which we conſider it for the Advantage of the Service that our covenanted Servants ſhould be employed, particularly in the Offices under the Military Paymaſter General, Military Auditor General, and Military Board.

Extract Public Letter from Bengal, dated 16th February 1801.

Letter to, 11th June 1800 (17 to 27) on the Subject of the Number of uncovenanted Europeans employed as Monthly Writers in the Offices under Government.

Par. 47. (17 to 27.) The Subject of theſe Paragraphs has been adverted to in the Proceedings of the Governor General reſpecting the Reviſion of the public Eſtabliſhments, the Reſult of which (as already ſtated) will be reported to your Honourable Court by the Mornington Packet.

EXTRACT

EXTRACT BENGAL PUBLIC CONSULTATIONS,
11th December 1800.

Select Veſtry.

To the Moſt Noble Marquis Wellesley, R. P. Governor General in Council, Fort William.

My Lord,

We beg Leave to ſubmit to your Lordſhip the accompanying Proceedings of the Select Veſtry, with the Reſolutions paſſed on Friday the 13th and Thurſday the 26th Inſt. relative to the Eſtabliſhment of a Charitable Fund for the Relief of diſtreſſed Europeans and others, which we truſt will be honoured with your Lordſhip's Approbation and Patronage.

We have the Honour to be,

(Signed) D. Brown.
Paul Limrick.
Francis Horsley.
Tho. Boileau.
Wm. Pawson,
L. Ball.

Calcutta,
27th June 1800.

Proceedings of the Select Veſtry of Calcutta on Friday the 13th and on Thurſday the 26th of June 1800, relative to the Eſtabliſhment of a Fund for the Relief of diſtreſſed Europeans and others.

The Object of this Inſtitution is to adminiſter Relief to thoſe of our own Countrymen who may be ſuffering from Poverty in this foreign Land. The Public are not aware of the Number of Perſons of this Deſcription in this Settlement; ſome are thrown into Jail for Small Debts; and others, who were formerly in good Circumſtances, are aſhamed to make their Diſtreſs known, and are in danger of periſhing for Want; and there are many who are able to ſupport themſelves, but being deſtitute of Friends they languiſh in Obſcurity without Employment.

At the ſame Time that this Inſtitution will give effectual Relief to real Diſtreſs, it will tend to put a Stop to thoſe numerous Subſcriptions and Applications for Charity which are conſtantly circulated through the Settlement, and which are often Impoſitions on the Humanity of the Public. It will be the Buſineſs of the Managers to ſearch out Objects of Diſtreſs, and to enquire carefully into the Caſes of thoſe who apply for Relief, ſo that the Subſcribers will have the Satisfaction of knowing that their Benefactions are well applied.

Reſolved, 1ſt, That a permanent Fund be formed for the Relief of diſtreſſed Europeans and others, out of the Collections made on the Three Feſtivals of Chriſtmas, Eaſter, and Whitſuntide, and that this be effected by the gradual Accumulation of a certain Portion of thoſe Collections, to be veſted in public Paper, properly ſecured to the Managers of the Fund.

Reſolved, 2dly, That the Fund be managed by the Veſtry, to whom all Applications for Relief ſhall be made through the Veſtry Clerk.

Reſolved, 3dly, That a Meeting of the Veſtry be held on the Firſt Monday of every Month, to examine into the various Applications for Relief which may have been made during the preceding Month, to determine on the ſpecific Sum to be applied to each particular Caſe, to make ſuch Diſburſements as may be agreed upon, and to tranſact all other Buſineſs relative to the Charity.

Reſolved, 4thly, That all Queſtions relative to the Fund be determined by a Majority of the Members preſent at the Veſtry.

Reſolved, 5thly, That Two Members ſhall be competent to tranſact Buſineſs, one of them being a Chaplain of the Preſidency.

Reſolved, 6thly, That no Money be iſſued but under the Signature of the Members preſent at the Monthly Meeting.

Reſolved, 7thly, That the Bank of Hindoſtan be appointed Treaſurer.

Reſolved, 8thly, That the Public be informed, by Advertiſement in the Gazette, of the Exiſtence of this Fund, and alſo be ſolicited to contribute to its Support by voluntary Subſcriptions, to be received at the Bank.

Reſolved,

Reſolved, 9thly, That the Patronage of the Moſt Noble the Governor General be ſolicited to the Plan, before it be ſubmitted to the Public.

Additional Reſolution on the 26th of June 1800.

Reſolved, 10thly, In order to prevent Abuſe of this Inſtitution, That it do not countenance, or by any means encourage, unauthorized Perſons to continue in the Country; and that Perſons of this Deſcription do not receive any Succour, except to enable ſuch as are in real Diſtreſs to ſubſiſt till they can remove.

(Signed) D. Brown.
Paul Limrick.
Francis Horsley.
Thos. Boileau.
William Pawson.
L. Ball.

Ordered, That the Select Veſtry be informed that the Governor General in Council fully approves of the Proceedings which they have ſubmitted to him, and authorizes the Publication of them.

Conf. 11th Dec.

Extract Public Letter from Bengal, dated 16th February 1801.

139. On our Proceedings of the annexed Date, is recorded a Letter from the Select Veſtry of Calcutta, with their Proceedings relative to the Eſtabliſhment of a Charitable Fund for the Relief of diſtreſſed Europeans and others.

140. The Object of the Inſtitution of this Fund appearing to be highly benevolent and humane, the Governor General in Council approved of the Proceedings of the Select Veſtry, and authorized their Publication.

Extract Public Letter to Bengal, dated 3d March 1802.

Letter from, 16th Feb. 1801. (139. & 140.) Fund for the Relief of diſtreſſed Europeans.

52. We approve of your having authorized the Publication of the Plan propoſed by the Select Veſtry, relative to the Eſtabliſhment of a charitable Fund for the Relief of diſtreſſed Europeans and others.

Extract Law Letter from Bengal, dated 31ſt July 1801.

16. The Government of Bombay, in a Letter recorded on our Proceedings of the 15th of January laſt, having requeſted the Orders of the Governor General in Council on the Propriety of granting Indentures to Perſons who may not have been licenſed by your Honourable Court to reſide in India, the Governor General in Council deſired the Governor in Council of that Preſidency not to grant Indentures of any Deſcription to ſuch Perſons, without previous Reference to his Excellency in Council.

17. The granting of Indentures to Perſons not licenſed by your Honourable Court to reſide in India, being productive of no Advantage, and tending at the ſame Time in a conſiderable Degree to weaken the Controul of your Government in India over ſuch Perſons in the Event of their Conduct being ſuch as to render it neceſſary that they ſhould be compelled to leave India; His Excellency in Council takes the Liberty of recommending that no Indentures be granted by your Governments in India excepting by your ſpecial Sanction, to Perſons reſident in India without Licence from your Honourable Court.

18. His Excellency in Council further begs leave to ſuggeſt, that the Licences which your Honourable Court may grant in England to Perſons not in your Service to reſide in India, may be framed in ſuch Terms, as will not preclude your Governments in India from ſending ſuch Perſons to England on the ſhorteſt Notice, whenever their Conduct ſhall render ſuch Proceeding neceſſary for the public Intereſts.

Extract

Extract Public Letter to Bengal, dated 26th Auguſt 1801.

3. Having been informed that the Country Ships engaged by our ſeveral Preſidencies in India to bring Goods on Freight for Individuals, (particularly the Cornwallis and Porcher), have on their Return Voyage taken Paſſengers without our Permiſſion for that Purpoſe, and as this Practice is an expreſs Breach of the Covenants in their reſpective Charter-parties, we direct that a ſtrict examination be made on the Return of all Ships of the above Deſcription, whether any Paſſengers have proceeded to India without our Licence; and ſhould any Perſon appear to have been taken on board without our Permiſſion, the Penalties incurred by this Breach of Covenants muſt be ſtrictly inforced, and the Parties who are taken out in this Manner are not on any Pretence whatever to be allowed to remain in India, but muſt be ſent to England by the earlieſt Opportunity.

Extract Commercial Letter to Bengal, dated 16th June 1802.

48. Our Governments in India have upon ſome Occaſions judged it expedient rather to grant Licences of Reſidence to Perſons who had irregularly entered the Country, than to adopt other Meaſures reſpecting them. It could never be intended, however, that this ſhould become a Practice, as it would fruſtrate all the Laws enacted to prevent the illicit Acceſs of Europeans to our Poſſeſſions. We think it neceſſary, therefore, in the View of the preſent Changes, which render Precaution more important, to guard againſt any future Reſort to ſuch a Mode, by directing, as we now do, that no Licences of this Kind be henceforth granted by any of our Governments in India, unleſs our Permiſſion ſhall upon the View of any particular Caſe be firſt granted; and we deſire that Liſts of the licenſed Perſons out of the Service reſiding at the different Preſidencies, may be annually ſent us.

Extract Public Letter from Bengal, dated 21ſt March 1803.

94. In conformity to the Orders of your Honourable Court, dated the 26th Auguſt 1801, the Commander of the Country Ship Cornwallis, was called upon to produce his Authority for receiving on board the Paſſengers * brought on that Ship to Bengal. The Commander, Captain Elderton, ſtated, that he was unable to produce any Order for receiving on board the Paſſengers from England, as they had made the Arrangements for their Paſſage with the late Captain Robertſon, formerly Commander of the Cornwallis, among whoſe Papers it was probable the Orders for receiving the Paſſengers on board had, on his Deceaſe, been ſealed up; with reſpect to the Paſſengers from Madras, Captain Elderton ſtated, that the Cornwallis being a Country Ship, he was not aware that an Order was requiſite for receiving on board Paſſengers from that Preſidency for Bengal. Conf. 11th Dec. 1802.

95. Under the Circumſtances repreſented by Captain Elderton, His Excellency in Council conceived it to be probable that Orders had been iſſued for the Reception of the Paſſengers from London on board the Cornwallis, and therefore did not deem it neceſſary to ſubject Captain Elderton to the immediate Payment of the Penalties preſcribed by the Ship's Charter-party, but directed Captain Elderton ſhould be required to give Security for Payment of the Penalties hereafter, if upon Reference to your Honourable Court it ſhould appear that Orders for the Reception of thoſe Paſſengers on board of the Cornwallis had not been iſſued in England. His Excellency in Council further directed, that Captain Elderton ſhould be informed, that conſiſtently with the Terms of the Charter-party, Paſſengers could not be received at any Port on board of any Ship in the Employ of the Honourable Company without a written Order from the Government for that Purpoſe.

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* From London, Mr. G. Wilkinſon. Mrs. Gaſh and Servant. From Madras, Major Swinton, 74th Regiment; Captain Ayton, Ditto. Charles Baker, Senior, Merchant; William Cottly, Cadet; R. H. Hamilton.

Extract Law Letter to Bengal, dated 8th March 1803.

Letter from, 31ſt July 1801, (16 and 18). Recommending that no Indentures be granted by the Governments in India, excepting by the Court's ſpecial Sanction, to Perſons reſident in India without Licence from the Court, and ſuggeſting an Alteration in ſuch Licences, ſo as that ſuch Perſons may be ſent to England on the ſhorteſt Notice, whenever their Conduct ſhall render ſuch Proceeding neceſſary for the public Intereſts.

5. Agreeably to your Recommendation, we have agreed that no Indenture be granted by our Governments in India to Perſons reſident in India without our Licence. The Suggeſtion in the 18th Paragraph, reſpecting Perſons to whom we may in future grant Licences to remain in India will be taken into Conſideration.

To the Honourable the Secret Committee of the Honourable the Court of Directors.

Honourable Sirs,

During the Courſe of the Negotiations with Dowlut Rao Scindia and the Rajah Berar, previouſly to the Commencement of the preſent War, the Meaſures which in the Event of a Rupture with the Marhatta States it might be proper to purſue, with reſpect to the Subjects of His Majeſty ſerving as Military Officers in the Armies of the hoſtile Powers, claimed the early Attention of the Governor General in Council.

2. It was then underſtood that the Number of Perſons of this Deſcription in the Service of Dowlut Rao Scindia (excluſively of the Subjects of France and of other European States) was conſiderable, and the Governor General was aware that they could continue in the Service of that Chieftain after the Commencement of Hoſtilities without a Violation of their Allegiance to His Majeſty.

3. No rational Expectation could however be entertained, that thoſe Perſons would ſpeedily relinquiſh their reſpective Situations unleſs ſome adequate Proviſion were offered for their future Maintenance; and as their original Entrance into the Service of the Mahratta Powers was not a Violation of any Regulation of the Britiſh Government, and had been in ſome Inſtances encouraged by that Government, the eſtabliſhed Principles of Juſtice and Humanity required that they ſhould be ſupported, for a Time at leaſt, at the public Expence.

4. It was alſo an Object of great political Importance to deprive the Enemy of the Services of a Body of Men by whom their Armies were trained to the Practice of regular Diſcipline and Military Subordination, and might in Time have been rendered little inferior in the Field to the native Troops employed in the Service of the Honourable Company.

5. Under theſe Conſiderations, the Governor General in Council judged it to be expedient to iſſue a Proclamation, on the 29th of Auguſt 1803, (of which a Copy is annexed to this Diſpatch), requiring all Britiſh Subjects holding Employment in the Service of Dowlut Rao Scindia, or the Rajah of Berar, or of any Power or State confederated with them, forthwith to relinquiſh the Service of ſuch Chief, Power, or State, and promiſing to all who ſhould retire in obedience to the Proclamation a Proviſion (to continue during the Continuance of the War, and ſo long as the Parties entitled to it ſhould be employed in the Service of the Honourable Company) equal to the Amount of the fixed Pay and Allowances which ſuch Britiſh Subjects might have received in the Service of the Chief, Powers, or States by whom they might have been entertained.

6. The Benefits extended by this Proclamation to Britiſh Subjects were alſo offered, from obvious Motives of Policy, to the Subjects of France, or of any other Foreign European or American State, holding Employments in the Service of Dowlut Rao Scindia, and the Rajah of Berar, or of any State confederated with either of them; and it was at the ſame Time publicly notified, that all Britiſh Subjects who ſhould bear Arms againſt the Britiſh Government would be conſidered to have forfeited all Right and Claim to the Protection of the Britiſh Government, and would be treated accordingly.

7. On the 16th September 1803, a Second Proclamation was publiſhed, with the Advice of the Law Officers of the Honourable Company, by which it was declared, that all Britiſh Subjects holding Commiſſions or bearing Arms in the Service of the Enemy during the Exiſtence of the War, or in any Manner adhering

to

to them, or partaking of their Councils, did thereby incur the Guilt of High Treaſon. It was at the ſame Time further proclaimed, that all Britiſh Subjects in the Service of the Enemy, who ſhould not, on or before the 1ſt of November 1803, claim the Benefit of the Proclamation iſſued on the 29th of Auguſt, would be excluded from the Benefit of that Proclamation, and would be deemed to have remained wilfully in the Service of the Enemy, and be ſubjected accordingly to ſtrict Proſecution for their reſpective Offences. A Copy of the Proclamation of the 16th of September is annexed for the Information of your Honourable Committee.

8. The Number of Britiſh Subjects and of Foreigners who have claimed the Benefits of the Proclamation is conſiderable, and the Details of the Arrangements which may be made with reſpect to thoſe Perſons will be communicated hereafter to your Honourable Committee, or to the Honourable the Court of Directors.

9. The Policy of the Meaſure by which the Enemy has been deprived of the Services of a valuable Body of European Officers, cannot be more ſtrongly exemplified than by Reference to the Events of the preſent glorious Campaign in Hindoſtan and in the Deccan. The obſtinate Reſiſtance experienced by our gallant Troops in the ſeveral brilliant Victories obtained over the Enemy, muſt be aſcribed to the Military Spirit acquired by their Infantry from the Habits of Diſcipline and of Subordination to which they have been accuſtomed ſince the Introduction of European Officers into the Mahratta Service, and their future Improvement in Military Tactics would neceſſarily have been progreſſive. The conduct of the Mahratta Cavalry, which has never been under the Orders of European Officers, has on every Occaſion been entirely different from that of the regular Infantry.

10. In conſequence of the Operation of the Proclamation publiſhed by the Governor General in Council, and of the Succeſs of our Arms, the Enemy has been deprived of the Services of nearly the whole Body of his European Officers; and the Conduct of thoſe who have claimed the Benefit of the Proclamation, will neceſſarily impair the Confidence of all the Native Powers in the Fidelity of European Officers. On the Concluſion of Peace it will probably be practicable to eſtabliſh ſuch an Arrangement with the Mahratta States as will preclude the Introduction of any European into their Service without the expreſs Concurrence of the Britiſh Government; and the Wiſdom of your Honourable Committee will duly appreciate the Security which the public Intereſts will derive from the Excluſion of the Subjects of a rival and hoſtile State from the Service of the only Powers by which the Tranquillity of the Poſſeſſions of Great Britain in India can be diſturbed.

11. The Expence which will be incurred in carrying into Effect the Stipulations of the Proclamation, cannot at preſent be aſcertained. It muſt, however, be counterbalanced by the important Benefits which have accrued from the Operation of that Meaſure.

12. With the View of diſtreſſing the Enemy, the Governor General in Council conſidered it to be proper to iſſue a Proclamation, under Date the 29th of Auguſt 1803, (of which a Tranſcript is incloſed,) requiring all Non commiſſioned Officers and Sepoys formerly in the Service of the Honourable Company or of His Excellency the Nabob Vizier, to quit the Service of the Enemy, and engaging that they ſhould either be received into the Service of the Company or otherwiſe; and they ſhall obtain a Proviſion equal to the Amount of their Pay and Allowances from the Enemy, and would be entitled to every Indulgence conſiſtent with the Principles and Regulations of the Britiſh Government.

13. The Expence which may be incurred in carrying theſe Stipulations into Effect muſt be inconſiderable, as it is probable that nearly all who may claim the Benefit of the Proclamation will be introduced into the Service of the Company, to complete Vacancies in the Military Eſtabliſhment in the ſeveral Ranks of the Native Army, correſponding with the Rank the Claimants may have reſpectively held in the Service of the Enemy.

We have the Honour to be,
Honourable Sirs,
Your moſt faithful humble Servants,
(Signed) WELLESLEY.
G. H. BARLOW.
G. UDNY.

Fort William,
21ſt December 1803.

Enclofure (A.)

Proclamation of the Governor General in Council.

Whereas the Governor General in Council has deemed it to be neceſſary to provide effectual Security for the Defence of the Britiſh Poſſeſſions againſt the Deſigns of Dowlut Rao Scindia, and of the Rajah of Berar:

His Excellency in Council hereby requires all Britiſh Subjects holding Employment in the Military Service of Dowlut Rao Scindia, or of the Rajah of Berar, or of any Mahratta Chief, or other Power or State confederated with Dowlut Rao Scindia, or with the Rajah of Berar, forthwith to relinquiſh the Service of ſuch Chief, Power, or State reſpectively, and to repair to ſuch Places as ſhall have been appointed by the Officers commanding the Britiſh Forces in Hindoſtan, and the Deccan, for the Purpoſe of receiving all ſuch Britiſh Subjects as ſhall retire from the Service of the ſaid Chiefs, Powers, or States, in Obedience to ſuch Proclamations or Orders as may have been iſſued by the ſaid Commanding Officers, in Conformity to the Inſtructions of the Governor General in Council, or in Obedience to this Proclamation. And the Governor General in Council is hereby further pleaſed to declare, that all Britiſh Subjects who have retired or may retire from the Service of the ſaid Chiefs, Powers, or States, in Obedience to any Proclamations iſſued by the ſaid Commanding Officers, or in Obedience to this Proclamation, who ſhall have been or ſhall be admitted by the ſaid Commanding Officers to the Protection of the Britiſh Government, ſhall receive from the Honourable Company a Proviſion equal to the Amount of the fixed Pay and Allowances which ſuch Britiſh Subjects have received in the Service of the ſaid Chiefs, Powers, or States reſpectively, the ſaid Proviſion to continue during the Continuance of Hoſtilities between any of the ſaid Chiefs, Powers, or States, and the Britiſh Government, and ſo long as ſuch Britiſh Subjects ſhall be employed in the Service of the Honourable Company; and all ſuch Britiſh Subjects, after having quitted the Service of the Honourable Company, ſhall receive a reaſonable Remuneration, and every Indulgence which their reſpective Situations may appear to require, and which may be conſiſtent with the Principles and Regulations of the Britiſh Government. And the Governor General in Council further declares, that all Britiſh Subjects who ſhall remain in the Service of Dowlut Rao Scindia, or of the Rajah of Berar, or of any Mahratta Chief, or other Power or State confederated with Dowlut Rao Scindia, or with the Rajah of Berar, and all Britiſh Subjects who ſhall bear Arms againſt the Britiſh Government, ſhall be conſidered to have forfeited all Right and Claim to the Protection of the Britiſh Government, and ſhall be treated accordingly.

The Subjects of France, or of any other European or American State, holding Employments in the Military Service of Dowlut Rao Scindia, or of the Rajah of Berar, or of any Mahratta Chief, or of any Power or State confederated with Dowlut Rao Scindia, or with the Rajah of Berar, who may be diſpoſed to relinquiſh the Service of the Chiefs, Powers, or States, and to repair to ſuch Places as ſhall have been appointed by the Officers commanding the Britiſh Forces in Hindoſtan and the Deccan, for the Purpoſe of receiving ſuch Britiſh Subjects as ſhall retire from the Service of the ſaid Chiefs, Powers, or States, ſhall be admitted to the Benefits extended by this Proclamation to all Britiſh Subjects.

By Command of his Excellency the Moſt Noble the Governor General in Council.

Fort William,
29th Auguſt 1803.

(Signed) J. Lumsden,
Chief Secretary to Government.

Enclofure (B.)

Proclamation of the Governor General in Council.

Whereas open War exiſts between the Britiſh Government and its Allies on the one Part, and Dowlut Rao Scindia and the Rajah of Berar and their reſpective Allies on the other, the Governor General in Council hereby declares, That all Britiſh Subjects

Subjects holding Commiſſions or bearing Arms under Dowlut Rao Scindia, or the Rajah of Berar, or their reſpective Allies, during the Exiſtence of the War between the ſaid Powers and the Britiſh Government, or in any Manner partaking in the Councils of the ſaid Powers, or aiding or adhering to them during the ſaid War, do hereby incur the Guilt of High Treaſon.

And His Excellency in Council hereby further declares, that all Britiſh Subjects in the Service of the ſaid Powers who ſhall not, on or before the 1ſt Day of November next enſuing, claim the Benefit of a Proclamation iſſued by His Excellency in Council on the 29th Day of Auguſt laſt, will be excluded from the Benefit of that Proclamation, and will be deemed by His Excellency in Council to have remained wilfully in the Service of the ſaid Powers, and be ſubjected accordingly to ſtrict Proſecution for their reſpective Offences.

By Command of His Excellency the moſt Noble the Governor General in Council,

(Signed) T. Lumsden,
Chief Secy to Govt.

Fort William,
16th Sept. 1803.

Enclosure (C.

Proclamation of the Governor General in Council.

It is hereby ſignified to all Non-commiſſioned Officers and Sepoys, formerly in the Service of the Honourable Company, or of his Excellency the Nawaub Vizier, and to all other Perſons, Natives of the Britiſh Territories in India, or of the Territories of His Excellency the Nawaub Vizier, holding Employment in the Military Service of the Dowlut Rao Scindia, or of the Rajah of Berar, or of any Marhatta Chiefs or other Powers or States confederated with Dowlut Rao Scindia or with the Rajah of Berar, that they are required to quit the Service of thoſe Chiefs, Powers, or States, and that on repairing to ſuch Places as ſhall have been appointed by the Officers commanding the Britiſh Forces in Hindoſtan and the Deccan, for the expreſs Purpoſe of receiving all Perſons of the above Deſcription who ſhall retire from the Service of the ſaid Chiefs, Powers, or States, they will be received into the Service of the Honourable Company, or otherwiſe will obtain a Proviſion equal to the Amount of their Pay and Allowances in the Service of the ſaid Chiefs, Powers, or States, and will be entitled to every Indulgence conſiſtent with the Principles and Regulations of the Britiſh Government. Such Perſons will be required to produce to the Officer ſtationed at the Places appointed for the expreſs Purpoſe of receiving them, authentic Proofs of their having quitted the Service of the ſaid Chiefs, Powers, or States, in conſequence of this Proclamation, previouſly to their being conſidered to be entitled to the Benefits tendered to their Acceptance by the Terms of this Proclamation.

By Command of His Excellency the moſt Noble the Governor General in Council,

(Signed) J. Lumsden,
Chief Secy to Govt.

Fort William,
Aug. 29th, 1803.

Extract Public Letter to Bengal, dated 29th February 1804.

Letter from, 21ſt March 1803. (94. and 95.) Unlicenſed Paſſengers on the Cornwallis Country Ship.

83. Under the Circumſtances ſtated in theſe Paragraphs, we do not think it would be equitable to make Captain Elderton, who in the Courſe of the Voyage ſucceeded to the Command upon the Death of Captain Robertſon, accountable for the Penalties ariſing from Paſſengers being permitted to embark from England on the Country Ship Cornwallis without a Licence; the Securities which he has given on that Account muſt therefore be releaſed. As it appears, however, that the Perſons named in the Margin of the 94th Paragraph of the Letter to which we now reply were received on board that Ship without our Permiſſion, we direct that you enforce the Penalties for ſuch a Breach of Charter-

party againſt the Securities of the late Captain Robertſon, who was in the Command of the Cornwallis when ſhe ſailed from England; and we repeat and enforce the Order contained in the 3d Paragraph of our Letter in the Public Department of the 26th Auguſt 1801, relative to Paſſengers proceeding to India without our Licence.

Extract Public Letter to Bengal, dated 20th June 1804.

8. When Applications are made to us from Perſons wiſhing to return to India, who, although not in the Company's Service, have reſided there under Licence, it becomes highly neceſſary that we ſhould have the Means of knowing how far the Parties have conducted themſelves with Propriety.

9. We therefore direct that you give public Notice, that no Perſons of that Deſcription quitting India will in future be permitted to return thither, unleſs they ſhall produce a Certificate from the Government there, under whoſe Protection they have reſided, that their Conduct has been ſuch as to give them a Claim to the Indulgence of having their Licence renewed.

Extract Public Letter from Bengal, dated 12th September 1806.

Para. 141. The Select Veſtry having ſtated, that the Fund eſtabliſhed for the Relief of diſtreſſed Europeans and others is not adequate to the Support of thoſe who have been deemed proper Objects of the Charity, and that the ſlender Monthly Allowances which have been granted to them cannot be continued to the End of the preſent Year without the Aid of Government, we have conſidered it proper to authorize ſuch Sums to be advanced as may be required towards ſupporting the Objects of that Charity, not exceeding 800 Sicca Rupees per Month, until the Period of the next Collection, or the latter End of the preſent Year.

Extract Public Letter to Bengal, dated 6th April 1808.

Letter from, 12th September 1806. (141.) Stating that a Sum not exceeding Rs. 800 per Month has been allowed to the Fund for the Relief of diſtreſſed Europeans.

120. In our Letter in this Department, under Date the 3d March 1802, we expreſſed our Approbation of the Encouragement you had afforded to the Fund eſtabliſhed at Calcutta in the Year 1800, for the Relief of diſtreſſed Europeans. We have to obſerve upon this Inſtitution, however, that great Care ought to be taken that it does not become an Encouragement to Idleneſs or Diſſipation; and that it ſuggeſts additional Caution againſt the Admiſſion of unlicenſed Europeans into our Settlements. We are not competent exactly to decide what ought to be the Meaſure of your Contribution to this Charity; but willing as we are to afford Aid to it, we cannot avoid obſerving, that the Diſburſements of the Sum of 800 Rupees per Month for this Purpoſe appears a very large Sum.

Extract Public Letter to Bengal, dated 4th February 1807.

Paragraph 2. Our Attention has been lately drawn to the increaſing Number of Britiſh Subjects reſiding at our ſeveral Preſidencies or their Dependencies without the Company's Licence, notwithſtanding our repeated and peremptory Orders to the contrary. The ſeveral Channels by which Perſons of this Deſcription continue to evade the Law and our Authority, are by Means of the Company's regular freighted Ships, the Extra Ships, Foreign Ships, and over Land. We are willing to believe that not many Inſtances have recently occurred of unlicenſed Perſons proceeding to India on the regular Ships. For the Detection of theſe we in our Letter of the 31ſt July 1787 directed, that upon the Arrival of every ſuch Ship the Captain ſhould be called upon to give in a Liſt of his Paſſengers and Crew, which Liſt was to contain ſuch a Deſcription of them as was likely to lead to a Diſcovery of any unlicenſed Perſons having been on board. In conformity to theſe Orders we obſerve, by your Conſultations of the 25th June 1788, that Regulations for aſcertaining whether any unlicenſed Perſons came out in the Company's Ships were adopted. In our Letter of the 2d December 1789 we obſerved, that the Frequency of Deſertions in different Stations from the freighted Ships, had made it neceſſary that ſome effectual Means ſhould be adopted to prevent the like in future.

We

We at the ſame Time tranſmitted a Liſt of the Officers and Petty Officers of the Ships arrived in the preceding Seaſon who had remained behind, with Directions that they ſhould be immediately ſent to England. We have tranſmitted from Time to Time, and ſhall continue to tranſmit occaſionally the Names of ſuch Perſons as have been or may be in a ſimilar Predicament; and we direct that in all ſuch Caſes you take the neceſſary Meaſures for ſending the Parties implicated to Europe.

3. With reſpect to the Extra Ships, we obſerved in our Letter of the 26th Auguſt 1801, that having received Information that the Country Ships engaged by our ſeveral Preſidencies in India to bring goods on Freight for Individuals, had on their Return Voyage taken Paſſengers without our Permiſſion, which Practice we conſidered as a Breach of Covenants in their reſpective Charter-parties; we directed that a ſtrict Examination ſhould be made on the Return of all Ships of that Deſcription, whether any Paſſengers proceeded to India without our Licence; in which Caſe the Penalties incurred by ſuch a Breach of Covenants on the Part of the Owners were to be ſtrictly enforced, and the Parties who had got out in this Manner were not on any Pretence whatever to be allowed to remain in India, but were to be ſent to England by the earlieſt Opportunity.

4. But there can be no Doubt that the principal Channel by which unauthorized Perſons were enabled to proceed to India is by Foreign Ships. In conſequence of a Minute of the Governor General upon the Subject of the 6th March 1795, it was made a Standing Regulation that the Commanders of Foreign Ships ſhould on their Arrival ſend a Liſt of the Crew and Paſſengers. If the exiſting Regulations ſhould not afford the Means of Detection in this Reſpect, we direct that they be amended in ſuch a Manner as to enſure the Object ſo much deſired.

5. It is not our Intention that our preſent Orders ſhould have a retroſpective View, except in the Inſtances where the Parties have miſbehaved, ſo as to become obnoxious to Government by the Irregularity of their Conduct. But we have come to a Determination, that in future no Perſons ſhall be permitted to reſide in India without the Company's Licence; and we poſitively direct, that after the Receipt hereof, you obſerve the utmoſt Vigilance for the Detection and Apprehenſion of all ſuch Perſons as may ſurreptitiouſly find their Way to India, in order that they may be ſent Home as early as poſſible.

6. But although we have thus ſeriouſly reſolved, that our prohibitory Orders in this Reſpect ſhall be carried into ſtrict Execution, we have come to a Determination to receive in England a ſufficient Number of Applications from Perſons of Character and Reſpectability, who may be deſirous of obtaining our Licence to proceed to the Eaſt Indies as Free Merchants, and to grant an annual Permiſſion to a limited Number for that Purpoſe. All ſuch will be required to enter into the uſual Covenants with the Company, and to find good and ſufficient Security for the Performance thereof.

7. We are extremely deſirous of obtaining the Names and Deſcriptions of ſuch Europeans not in the Company's Service as may reſide in the Interior of the Country. By your Conſultations of the 24th December 1787, we obſerve, that at that Period it was deemed highly proper that the Number of Europeans reſiding in the interior Parts of the Country ſhould be aſcertained, and the ſeveral Collectors and Magiſtrates, and the Reſident at Benares, were directed to tranſmit Liſts of all Europeans (not in the Company's Service) reſident in their reſpective Diſtricts, ſpecifying the Manner in which they were at that Time employed, with an Account of their general Conduct and Character, as far as might have come to their Knowledge. Public Notice was at the ſame Time given, that after a certain Period no European being a Britiſh Subject, not in the Company's Service, would be ſuffered to reſide in the interior Parts of the Country without having obtained the particular Licence of your Government. We are not aware that any accurate Returns have been made to this Order. We therefore direct that complete Liſts of the foregoing Deſcription be procured, and tranſmitted to us by an early Opportunity. It appears to be highly expedient, that the Rule prohibiting Britiſh Subjects from reſiding in the Interior of the Country without a ſpecial Licence for that Purpoſe, ſhould be ſtrictly enforced.

8. We obſerve that in February 1791, the Superintendant of the Calcutta Police reported, that there were at that Time great Numbers of European Foreigners at Calcutta out of Employ, and who had no Means of maintaining themſelves honeſtly. From the preſent improved State of the Police of Calcutta, we have

have reaſon to hope, that few, if any, Foreigners of this Deſcription are now ſuffered to remain a Nuiſance to the Settlement. It behoves you in a particular Manner, in the preſent Circumſtances of the Times, to take ſpecial Care that no Frenchmen be allowed to reſide either in Calcutta or in the Provinces. Much latent Miſchief may be apprehended from the inſidious Conduct of ſuch Perſons; and we direct that they be ſent to England on the regular Company's Ships, limiting the Number to Five or Six at moſt on each Ship as Charter-party Paſſengers, particularly ſuch as have not been long reſident in India, and whoſe Behaviour ſhall have excited any Degree of Suſpicion of evil Intention.

9. In the 48th Paragraph of our Commercial Letter of the 16th June 1802, we deemed it neceſſary to obſerve, that our Governments in India had upon ſome Occaſions judged it expedient rather to grant Licences of Reſidence to Perſons who had irregularly entered the Country, than to adopt other Meaſures reſpecting them. But as we ourſelves, as before obſerved, have agreed to allow of a limited Number of Perſons of Character and Reſpectability to proceed annually to India under Free Merchants Indentures, we poſitively direct that no ſuch Licence be in future granted in India; but that all Perſons who may hereafter find their Way thither without our previous Permiſſion for that Purpoſe, be immediately ordered to Europe, and that this Order be rigidly enforced with reſpect to thoſe who may proceed this Seaſon.

Extract Public Letter from Bengal, dated 31ſt July 1807.

Letter to, 4th February 1807.

(2 to 4) Obſervations reſpecting the Number of unlicenſed Britiſh Subjects reſiding at the ſeveral Preſidencies, ſtating the various Channels by which they appear to have been able to evade the Law and proceed to India without Authority, adverting to the Orders tranſmitted at different Periods reſpecting Perſons of that Deſcription, and to the Conduct of the Commanders of the Country Ships who had taken out Paſſengers without Permiſſion, noting the Regulation framed by this Government with reſpect to the Commanders of Foreign Veſſels being directed on their Arrival to give in a Liſt of their Crew and Paſſengers. Further Inſtructions on the Subject.

Para. 5. The preſent Orders not to have a retroſpective View, except in Inſtances where in conſequence of Irregularity of Conduct the Parties have incurred the Diſpleaſure of Government; adviſing of the Determination of the Honourable Court, that in future no Perſons ſhall be permitted to reſide in India without a Licence, and directing the utmoſt Vigilance to be obſerved for the Detection and Apprehenſion of all Perſons who may ſurreptitiouſly find their Way to India, in order that they may be ſent to Europe by the earlieſt Opportunity.

6. Stating the Honourable Court's Determination to receive in England Applications from Perſons of Character who may be deſirous of obtaining a Licence to proceed to India as Free Merchants. Permiſſion for that Purpoſe will be granted to a limited Number annually.

7. Expreſſing the Deſire of the Honourable Court, to obtain the Names and Deſcription of ſuch Europeans not in the Company's Service as may reſide in the Interior of the Country, adverting to the Orders iſſued by this Government to the Collectors and Magiſtrates reſpecting Perſons of that Deſcription, and to tranſmit Liſts of all Europeans not in the Company's Service reſident in their reſpective Diſtricts, &c. Obſerve that no accurate Returns appear to have been made to this Order. Direct that complete Liſts be procured and tranſmitted to the Honourable Court by an early Opportunity.

8. Adverting to a Report from the Superintendant of the Calcutta Police in 1791, ſtating that great Number of European Foreigners were then at Calcutta unemployed, and without any offenſible Means of maintaining themſelves; truſting that few Perſons of that Deſcription are now ſuffered to remain in Calcutta; directing that no Frenchmen be allowed to reſide either in Calcutta or in the Provinces, and that they be ſent to England on the Company's regular Ships.

9. Directing that no Licence be in future granted by this Government, permitting Perſons to reſide in India; and that all Perſons who may hereafter find their Way to India without the previous Permiſſion of the Honourable Court, be immediately ordered to Europe.

28. (2 to 9.) The Orders of your Honourable Court ſignified in theſe Paragraphs, will not fail to meet with our particular Attention. Copies of theſe Paragraphs have been tranſmitted to the Judicial Department, for the Information and Guidance of the Magiſtrates of the Town of Calcutta, and of the Magiſtrates of the ſeveral Diſtricts in the Interior of the Country. The Magiſtrates have been required to ſuggeſt ſuch Meaſures as they may deem proper, with the View of detecting and apprehending all Perſons who may ſurreptitiouſly find their Way to India; and, for the Purpoſe of enſuring ſtrict Obedience to the Orders of your Honourable Court, the Magiſtrates have alſo been required to furniſh the Liſts and Deſcription of Perſons required by your Honourable Court with the leaſt practicable Delay.

EXTRACT OF BENGAL JUDICIAL CONSULTATIONS,
20th July 1810.

The Governor General in Council having taken the foregoing Cafes into mature Conſideration, reſolves, That the Licences for reſiding in the Interior of the Country held by the following Perſons, be withdrawn: Criminal.

Mr. J. L. Turner.
R. S. Douglas.
T. Gardiner.
T. Clark.

Ordered, That the neceſſary Information be tranſmitted to the Magiſtrates of Tirhoot, Sarun, Nuddeah and Purneah reſpectively.

Ordered, That the Company's Attorney be directed to report whenever the Period of Impriſonment to which Mr. Tichborne has been ſentenced may expire. His Lordſhip in Council will then paſs ſuch further Orders reſpecting that Perſon as may appear to Government to be proper.

Ordered, That a Copy of ſuch Parts of the above Depoſitions in the Caſe of Mr. Douglas, as relate to the Eſtabliſhment of a Haut by Mr. Moran, be tranſmitted to the Board of Revenue, with Directions to make the neceſſary Inquiries on the Subject, and report to Government the Reſult.

The following Circular Order was tranſmitted to the ſeveral Magiſtrates throughout the Provinces on the 13th Inſtant:

" (Circular.)

" To the Magiſtrates.

" Sir,

" The Attention of Government has recently been attracted in a particular Manner to Abuſes and Oppreſſions committed by Europeans, who are eſtabliſhed as Indigo Planters in different Parts of the Country. Numerous as thoſe Abuſes and Oppreſſions have latterly been, the Right Honourable the Governor General in Council is ſtill willing to hope that this Imputation does not attach to the Character of the Indigo Planters generally conſidered, as a Body or Claſs of People. The Facts, however, which have recently been eſtabliſhed againſt ſome Individuals of that Claſs, before the Magiſtrates and the Supreme Court of Judicature, are of ſo flagrant a Nature, that the Governor General in Council conſiders it an Act of indiſpenſable public Duty to adopt ſuch Meaſures as appear to him, under exiſting Circumſtances, beſt calculated to prevent the Repetition of Offences equally injurious to the Engliſh Character, and to the Peace and Happineſs of our Native Subjects.

" 2. The Offences to which the foregoing Remarks refer, and which have been eſtabliſhed beyond all Doubt or Diſpute, againſt individual Indigo Planters, may be reduced to the following Heads:

" 1ſt. Acts of Violence, which, although they amount not in the legal Senſe of the Word to Murder, have occaſioned the Death of Natives.

" 2d. The illegal Detention of the Natives in Confinement, eſpecially in the Stocks, with a View to the Recovery of Balances alleged to be due from them, or for other Cauſes.

" 3d. Aſſembling in a tumultuary Manner the People attached to their reſpective Factories, and others, and engaging in violent Affrays with other Indigo Planters.

" 4th. Illicit Infliction of Puniſhment, by Means of a Rattan or otherwiſe, on the Cultivators or other Natives.

" 3. You muſt of courſe be ſenſible that it is your bounden Duty to bring every Act of Violence of the above Nature to the Knowledge of Government, and under the Cognizance of the Supreme Court of Judicature. In order, however, to prevent, as far as depends on the Executive Government, the Repetition of any Offence of that Nature, the Governor General in Council deſires that you will particularly attend to the following Inſtructions:

" Firſt. You will take the neceſſary Meaſures to aſcertain, without Loſs of Time, whether any of the Indigo Planters reſident in the Diſtrict under your Charge keep Stocks at their Factories, and if ſo, you will require them immediately to deſtroy the Stocks. Should any Heſitation occur on the Part of the Indigo Planters in complying with this Requiſition, you will report the Circumſtance to Government, when the Governor General in Council will order ſuch Perſon to quit the Diſtrict, and repair to the Preſidency.

" Second. Without encouraging vexatious and litigious Complaints, you will exert yourſelf to prevent the Practice which Government has Reaſon to believe is too prevalent on the Part of the Indigo Planters, of inflicting illegal corporal Puniſhments on the Ryots and others. Whenever Caſes of this Nature may occur, which may not appear to be of ſo aggravated a Nature as to form the Ground of a Criminal Proſecution in the Supreme Court of Judicature, you will report the Facts to Government, in order that his Lordſhip in Council may take into his Conſideration the Propriety of withdrawing the Licence which the Offender may have obtained for reſiding in the Interior of the Country.

" Third. As Opportunities may ariſe of a perſonal Communication with the Indigo Planters, you will endeavour to impreſs on their Minds the firm Determination which the Governor General has adopted, not only uniformly to proſecute all Offences of the above Deſcription which can properly be brought under the Cognizance of the Supreme Court, but likewiſe to exerciſe to the utmoſt Extent the Powers poſſeſſed by the Governor General in Council, of preventing the Reſidence of any European in the Interior of the Country who ſhall not conform to the Spirit of the preſent Reſolutions of Government.

" Fourth. Should it occur to you that any other Meaſures can be adopted, calculated for the Attainment of the important Objects above noticed, you are deſired to ſubmit your Sentiments on the Subject to Government.

" I am, &c.

" Council Chamber, 13th July 1810. (Signed) " Geo. Dowdeswell, " Secy to Govt Judl Dept."

On the 13th Inſt. Copies of the above Order were tranſmitted to the Nizamut Adawlut and to the ſeveral Provincial Courts, with Directions to afford their Aid to the full Extent of the legal Powers veſted in thoſe Courts, in giving Effect to the Reſolutions of Government contained therein.

There being Grounds to apprehend that many of the Manufacturers of Indigo are in the habit of compelling the Ryots to receive Advances for the Cultivation of the Indigo Plant; Ordered, That the following Supplementary Orders be tranſmitted to the ſeveral Magiſtrates throughout the Provinces:

" (Circular.)

" To the Magiſtrates.

" Sir,

" In Continuation of the Orders of Government of the 13th Inſt. I am directed to acquaint you, that the Right Honourable the Governor General in Council has Reaſon to believe that European Indigo Planters are in the habit of obliging the Ryots who reſide in the Vicinity of their reſpective Factories to receive Advances, and of adopting other illicit and improper Means to compel them to cultivate Indigo: you are accordingly directed to report all Inſtances of that Nature which may come to your Knowledge, and which you may conſider to be founded in Fact, to the Governor General in Council, in order that Government may take into its Conſideration the Expediency of withdrawing the Offenders Licence to reſide in the Interior of the Country, and at the ſame Time adopt ſuch other Meaſures as the Circumſtances of the Caſe may appear to require.

" I am, &c.

" Council Chamber, 20th July 1810. (Signed) " G. Dowdeswell, " Secy to Govt Judl Dept."

No. 2.

CORRESPONDENCE and PROCEEDINGS relative to the Reſidence of Europeans within the Preſidencies of Fort St. George and Bombay.

Extract Public Letter from Fort St. George, dated 14th February 1795.

Letter to, 28th May. (2 a 5.) Relate to the new Covenants.

Para. 40. We publiſhed the Directions contained in theſe Paragraphs, as well as in your Letter of the 11th December laſt, and called upon all Perſons reſident at this Settlement to comply with the Orders therein contained.

41. In conſequence of this Advertiſement we received a Repreſentation from the Merchants of Madras, ſetting forth their Unwillingneſs to pay due Obedience to theſe Orders, as far as depended on themſelves, but at the ſame Time ſubmitting for our Conſideration the Impropriety of taking upon themſelves to give in the Names of Perſons reſiding in England as their Securities without previouſly obtaining their Conſent for that Purpoſe. The Merchants therefore requeſted that Securities in this Country might be accepted.

42. Feeling that this Requeſt was in a great Degree reaſonable, and ſeeing (as the Merchants themſelves remark) that the Names of Perſons ſo given in would in fact offer no real Security to the Company, ſince Death, Removal, or Diſinclination would be a Bar to the Execution of the Bonds required, we conſented that they ſhould give Security in this Country for the Performance of their Covenants.

43. We deemed it right, however, that thoſe who have Friends in England ſhould make Requeſt of them to ſtand Security conformably to the Orders of your Honourable Court; and upon Notification being received here of their Compliance, the Securities in this Country will be releaſed from their Obligations.

44. The Covenants which have been executed, in compliance with your Orders, are forwarded in the Book Packet, as per ſeparate Liſt.

Extract Public Letter from Fort St. George, dated 24th April 1795.

Para. 11. In our Letter of the 14th February laſt, we communicated to your Honourable Court the Steps we had taken for carrying into Execution your Orders regarding the Covenants to be entered into by Perſons reſiding in India.

12. We have ſince received a Repreſentation from Meſſrs. Antonio de Souza, Adrian Defries, John Defries Junior, and Thomas Defries, in which they requeſt to be excuſed from executing thoſe Covenants, becauſe, being born in this Country, they think thoſe Engagements have no Reference to them.

13. At their particular Requeſt, we have referred the Matter to your Deciſion; but at the ſame Time beg Leave to obſerve, that as they are eſtabliſhed in Houſes of Agency in Madras, and have very extenſive mercantile Concerns in all Parts of the World, we conceive that your Orders upon this Subject are not leſs applicable to them than to any other Deſcription of Perſons reſiding under your Authority.

Extract Public Letter from Fort St. George, dated 20th February 1798.

Para. 73. At our Conſultation of the 1ſt December the Preſident informed us, Con. 1 Dec.
that having ſeriouſly reflected on the acknowledged Inconvenience ſuffered by the Community of this Settlement, for want of a regulated Police, he had ſelected a Committee, with a View to make the Inquiries neceſſary to a permanent Syſtem;

and

and that having inquired into the Meaſures formerly adopted, though unſucceſsfully, for this deſirable Purpoſe, he had addreſſed a Letter to the Committee, ſubmitting to them his Sentiments upon the Subject of making another Attempt, ſuggeſting various Objects as the Outline, and ſupplying them with ſundry Documents, as affording the Materials of the Plan.

74. Theſe Gentlemen ſoon after ſubmitted the Reſult of their Deliberation, the Agreements which they entered into with the principal Inhabitants to ſupply the Market at reduced Rates, and a Paper of Reſolutions, paſſed at a General Meeting of the Inhabitants, where the propoſed Arrangement was unanimouſly approved, and the Right Honourable Propoſer publicly thanked for the Conſideration which he had manifeſted for the Convenience of the Society.

75. We confirmed the Arrangements and applauded the Exertions of the Gentlemen who had been nominated to digeſt this Plan; proceeded to appoint a permanent Committee, to conſiſt of Three Juſtices of Peace, Meſſrs. Charnier, Balfour, and Jaſwell, the Superintendant of the Cutcherry, Mr. Kinderſley, and the Town Major for the Time being.

76. We directed the Committee to ſuggeſt to us what Eſtabliſhment they might conſider neceſſary, and the Means of defraying the Expence.

77. They ſubmitted, accordingly, a Liſt of the requiſite Servants for conducting the Police Department, and propoſed that the Expence ſhould be defrayed by public Contribution.

78. Having afterwards ſummoned a Meeting of the Inhabitants for the Purpoſe of conſulting them on the Means of providing for this Expence, the Committee informed, that a voluntary Contribution was agreed upon by way of Experiment,
Con^{n} 29 Dec. to continue for Six Months, and to be paid by Perſons reſident at Madras, proportionate to their public Station in the Settlement; they added, that they intended, in the Courſe of theſe Six Months, to conſider of ſome other Mode of providing for the Expence of the Police, leſs liable to Exception.

79. We entirely approved their Meaſures as above ſtated, filled up the Eſtabliſhment which they had previouſly recommended, and for which we beg to refer you
Ditto. to our Proceedings, amounting to an Expence of 360 Pagodas per Menſem. The Office of Town Poligar, a Poſt of great public Utility, we revived on this Occa-
Con^{n} 5th Jan. ſion, appointing Codemgore Angarapah Naigh, Son of the late Poligar, to the Station. For the Fees and Functions of this uſeful Officer, we beg Leave to refer you to his Cowle, recorded in our Proceedings, in the Margin.

Con^{n} 22 Dec. 80. During the Proceſs of adjuſting theſe Arrangements, we received a Letter from the Mayor's Court, ſtating, that it had come to their Knowledge, that we had it in Contemplation to take the Office of Clerk of the Market under our own Patronage, and to appoint a Perſon not of their Court to the Situation; that as this would be contrary to a Cuſtom of their Court of ſuch long Standing that it might be conſidered a preſcriptive Right, they hoped it might not happen.

Con^{n} 5 Jan. 81. Having referred their Letter for the Sentiments of the Attorney General upon the Subject, we received Mr. Sulivan's decided Opinion, that the Right of appointing this Officer reſts excluſively with the Company's Government; and we have conſequently ſignified to the Mayor's Court, that the Clerk of the Market,
Diary 6th Jan. as well as all other Officers for the Police Department, were to be appointed, and ſhould act ſolely by the Authority of Government.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS, 24th May 1799.

The Right Honourable the Governor General, deeming it of the greateſt political Importance, that the Entrance of Foreigners into the Company's Dominions without Permiſſion from Government ſhould be effectually prevented, has prepared a Code of Regulations for that Purpoſe, as far as reſpects their Arrival by Sea; Copy of which his Lordſhip ſubmits to the Board, and propoſes that they ſhould take Effect from 1ſt July next.

His

His Lordſhip alſo lays before the Board, Drafts of the Letters which it will be neceſſary in conſequence to iſſue to the Maſter Attendant (to whom the Execution of the Regulations at the different Sea Ports will appertain), to the Board of Revenue, and Commander in Chief, with a View to reſtrain ſuch Foreigners or others from moving through the Country by Land without proper Paſſports, and of a Proclamation neceſſary to be promulgated for general Notification of the Regulations.

" REGULATIONS for preventing Foreigners of every Deſcription from landing at this Preſidency and its Dependencies without Permiſſion from the Government:

" 1. That no Perſon whatever ſhall be permitted to diſembark from any Foreign Veſſel until ſuch Veſſel ſhall have been inſpected by the proper Officer, and regular Permiſſion in conſequence obtained.

" 2. That for this Purpoſe official Notice (according to the annexed Form), under the Signature of the Secretary to Government, be diſpatched to all Foreign Veſſels on their Approach to theſe Roads, informing the Commanders of the foregoing Reſolution, and requiring him to prepare Liſts of his Paſſengers and Ship's Company for Delivery to the Inſpecting Officer, which Liſts ſhall, if required, be authenticated by the Affidavits of the Commander and Senior Officer of each Veſſel reſpectively.

" To the Commander of the Ship in the Offing.

" Sir,

" You are hereby informed of the Reſolution of the Governor in Council, that no Perſon will be permitted to land from your Veſſel until ſhe ſhall have been duly inſpected by an Officer appointed for that Purpoſe; you are therefore to prepare a Muſter Roll of your Ship's Company, and of the Paſſengers on board, which Muſter Roll, under the Signature of yourſelf and of your Chief Officer, will be delivered to the Inſpecting Officer, and ſhall, if required, be atteſted on Oath before a Magiſtrate.

" The Inſpecting Officer is authorized to examine your Crew and Paſſengers according to the Roll, which is to contain the Names of each Perſon on board, the Time of their Entry, the Time and Place of their embarking, their Country, and the Station and Character of each Perſon on board. To this Roll you are to add the Names of all Places at which your Veſſel may have touched during the Voyage.

" Until you have complied with this Order you will not be permitted to have Communication with the Shore, and upon your landing you are to pay ſtrict Obedience to the printed Regulations, which you will find at the Office of the Maſter Attendant; in failure of which, your Ship will not be admitted to an Entry at any Britiſh Port in India.

" 3. That no Communication ſhall be allowed to take place, except by Means of a Catamaran, between any Foreign Veſſel and the Shore, until the Inſpecting Officer ſhall have viſited the Veſſel, and ſhall have made his Report to the Maſter Attendant.

" 4. That upon the Approach of a Foreign Veſſel the Inſpecting Officer ſhall proceed on board her, and ſhall examine and muſter the Paſſengers and Crew, according to the Liſts which will have been prepared under the Signature of the Commander and that of his Senior Officer.

" 5. That if the Inſpecting Officer ſhall obſerve any Perſon or Perſons of a ſuſpicious Character on board, he ſhall ſtation a Guard Boat alongſide of the importing Veſſel, with poſitive Orders to prevent the Diſembarkation of any Perſon whatever, until he ſhall have made his Report to the Maſter Attendant.

" 6. That the Maſter Attendant, upon receiving the Report of the Inſpecting Officer, ſhall, if the Report be ſatisfactory to him, permit the neceſſary Communications with the importing Veſſel; but if he ſhall have Cauſe to ſuſpect that improper Perſons may be on board, and in all Caſes without Exception, in which the Inſpecting Officer ſhall have ſtationed a Guard Boat, the Maſter Attendant ſhall make a Report to the Secretary to Government.

" 7. That for the effectual Execution of theſe Regulations, the Maſter Attendant ſhall take ſuch Meaſures as may be neceſſary in his Department to prevent the

Departure of Moſſula Boats from the Shore, for the Purpoſe of Communication with Foreign Ships, until they ſhall have been viſited by the Inſpecting Officer.

" 8. That for the Purpoſe of reſtraining the Dubaſhes who frequent the Sea-beach, the Maſter Attendant ſhall have Power to inflict immediate corporal Puniſhment; and in Caſes of flagrant Violation of theſe Regulations, he ſhall make a Report to the Secretary to the Government.

" 9. That after the foregoing Forms ſhall have been obſerved, no Perſon whatever ſhall be ſuffered to land from a Foreign Veſſel without Permiſſion from the Maſter Attendant, to whom the Commanders of all Veſſels ſhall be anſwerable for the Conduct of ſuch of their Crews and Paſſengers as may be permitted to land during their Reſidence on Shore, and for their Re-embarkation, whenever it ſhall be judged neceſſary.

" 10. That for this Purpoſe the Maſter Attendant ſhall keep a Book of Entry, and ſhall make occaſional Inquiry as he may judge proper, for ſuch Perſons as may have been permitted to land.

" 11. That if in conſequence of theſe Inquiries, or from any other Cauſe, he ſhall have Reaſon to ſuſpect Perſons ſo landed of improper Intentions, the Maſter Attendant ſhall make immediate Application to the Sitting Magiſtrate or to the Town Major for the Apprehenſion of them.

" 12. That no Ships whatever (His Majeſty's Ships of War excepted) ſhall ſend Boats on board any Foreign importing Veſſel, until ſhe ſhall have been regularly inſpected; and the Maſter Attendant is in the firſt Inſtance to employ his Guard Boats if neceſſary to prevent ſuch Communications, and to make a particular Report to the Secretary to Government of the Conduct of any Perſon who may infringe this Regulation.

" 13. That no Commander of a Foreign Veſſel ſhall receive or permit to be received on board his Ship any Perſon from the Shore, not being one of his own Crew, or Paſſengers, without a written Permit from the Office of the Maſter Attendant.

" 14. That when any Foreign Veſſel ſhall be about to depart from the Roads, the Inſpecting Officer ſhall, previous to the Embarkation of the Commander, repair on board the ſaid Ship, and ſhall muſter and examine the Crew and Paſſengers according to the Liſts furniſhed upon the firſt Importation of the Veſſel, to ſuch Caſualties as may have been reported, or to ſuch Changes as may have been authorized during the Continuance of the Veſſel in theſe Roads.

" 15. That in Caſes which ſhall appear to require it, the Inſpecting Officer ſhall ſearch any Foreign Ships under ſuſpicious Circumſtances, and upon all Occaſions after his Inſpection ſhall have been completed, ſhall ſtation a Guard Boat alongſide every Foreign Veſſel to prevent Communication with the Shore until ſhe may ſail.

" 16. As ſoon as the Maſter Attendant ſhall have been ſatisfied by the Report of the Inſpecting Officer, that theſe Regulations have been complied with, he ſhall furniſh the Commander with a Port Clearance, containing a Certificate for that Purpoſe, and ſhall take ſuch Precautions in the Detail of his Department as may be neceſſary for preventing improper Communications with Foreign Veſſels after the Commanders ſhall have been permitted to embark.

" 17. That on all Occaſions on which the Commanders of Foreign Veſſels ſhall not have complied with theſe Regulations, the Maſter Attendant ſhall poſitively with-hold his Port Clearance, and ſhall make an immediate Report, in order that Information may be tranſmitted to the Place to which the Veſſel in queſtion may be bound.

" 18. That for the Purpoſe of effectually enforcing the Tenor and Intention of theſe Regulations, no Foreign Veſſel whatever ſhall be admitted to an Entry unleſs the Commander of her ſhall, upon his firſt Arrival at any Port within the Company's Dominions in India, have complied with the Forms hereby eſtabliſhed, and unleſs upon his Departure from the Place of his firſt Importation he ſhall have obtained the Port Clearance and Certificate hereby preſcribed."

To Mr. Geo. Taſwell, Maſter Attendant.

Sir,

The Right Honourable the Governor General in Council deeming it of the greateſt Importance that the Entrance of Foreigners into the Company's Dominions ſhould

ſhould be effectually prevented, has paſſed certain Regulations for that Purpoſe, as far as reſpects their Arrival by Sea.

The Execution of theſe Regulations his Lordſhip entruſts to you; and I incloſe accordingly, a Copy of them for your Information, and am directed to deſire that you will pay the moſt minute and punctual Attention to the Diſcharge of this Duty, to which the Governor General in Council attaches a great Degree of Political Importance.

His Lordſhip having fixed the 1ſt of June for the Commencement of theſe Regulations, deſires that you will loſe no Time in making ſuch preparatory Arrangements as may enable you to comply with his Orders, and directs that you will ſubmit to his Conſideration ſuch an Eſtabliſhment of Guard Boats, with their Crews and Guards, as may be neceſſary for carrying the Regulations into Effect at the different Ports under the Authority of this Government.

His Lordſhip deems it expedient, that the Crews and Guards ſhould be formed into a fixed and ſeparate Eſtabliſhment, under your immediate Command.

In addition to the poſitive Regulations laid down for your Obſervance, I am directed to deſire that you will be guided by the general Spirit and Intention of this Meaſure, and that you will from Time to Time ſuggeſt ſuch Additions as may in your Judgment tend to give it Force and Effect.

The Maſter Attendants at the ſubordinate Ports are to correſpond with you immediately upon this Subject; and as the Succeſs of the Arrangement depends upon the Degree of Zeal and Energy with which it ſhall be executed, his Lordſhip, at the ſame Time that he directs me to expreſs Reliance on your Prudence and Activity, exhorts you to preſerve the utmoſt Degree of Vigilance throughout the Department.

I am, &c.

Fort St. George,
25th May 1799.

(Signed) J. WEBBE,
Secretary to Government.

To William Petrie Eſquire, Preſident, &c. Members of the Board of Revenue.

Gentlemen,

The Right Honourable the Governor General in Council having deemed it expedient to take immediate and effectual Meaſures to prevent the Entrance of Foreign Europeans into the Company's Territories under this Preſidency, as well as to reſtrain their moving through the Country without proper Paſſports, directs me to incloſe for your Information a Copy of the Regulations eſtabliſhed for this Purpoſe at the different Sea Ports, of his Lordſhip's Orders in conſequence to the Maſter Attendant, and of a Proclamation now publiſhed by his Lordſhip's Authority.

I am accordingly directed to deſire, that the ſeveral Officers under your Authority may be inſtructed to carry the Spirit and Intention of this Meaſure into Effect, with the utmoſt Degree of Vigilance, Attention, and Deciſion, and warned at the ſame Time, that any Perſon who ſhall be found to neglect any Part of this Duty, or to connive at the Evaſion of theſe Orders by any Perſon whatever, will incur the moſt ſerious Diſpleaſure of the Governor General in Council.

You will be furniſhed, on Application at the Secretary's Office, with a ſufficient Number of printed Paſſports, which are to be filled up and completed by the ſeveral Collectors, for the Uſe of Travellers.

The Collectors are to be cautioned againſt any unneceſſary Delay or Difficulty in the Iſſue of Paſſports upon all proper Occaſions, but they are to obſerve the moſt exact Regularity in requiring the Production of a regular Paſſport from the laſt Collector or Commanding Officer, as the Caſe ſhall happen; and when the Traveller ſhall be proſecuting a diſtant Journey, the Collector ſhall connect the Paſſports which ſhall be produced, and ſhall iſſue a freſh Paſſport, in order that the Authority under which Travellers are to paſs through the Company's Territories may be more readily recognized.

All Perſons who ſhall be diſcovered without authentic Paſſports, are to be taken up and put under Reſtraint until their Caſe can be repreſented to the Preſidency.

I have the Honour to be, &c.

Fort St. George,
25th May 1799.

(Signed) J. WEBBE,
Sec^y to Gov^t.

The

The ſame to the Commander in Chief, mutatis mutandis.

" PASSPORT.

" (L. S.) This is to certify that (Name) has Permiſſion to paſs from (Place) to (Place) with (Number) European Servants, and (Number) Native Servants. Given at (Place) this Day of 1799."

" GOVERNMENT ADVERTISEMENT.

" Notice is hereby given, that from and after the 1ſt Day of July next, no European Perſon of whatever Rank, Deſcription, or Country, will be permitted to travel through the Company's Dominions ſubject to this Preſidency, unleſs he ſhall be regularly furniſhed with Paſſports for that Purpoſe.

" The only Exception which the Right Honourable the Governor General in Council has been pleaſed to make to the foregoing Reſolution, is in favour of Officers commanding Parties of His Majeſty's or the Honourable Company's Troops.

" All Perſons about to travel are accordingly required to take out a Paſſport from the Collector of the Diſtrict in which they reſide, or, in Places where there may be no Collector, from the Commanding Officer of the neareſt Garriſon; which Certificate or Paſſport ſhall be produced to the next Collector or Commanding Officers, who are authorized to cancel it if neceſſary, and to iſſue a freſh Paſſport.

" And European Perſons of all Deſcriptions are hereby warned, that whoever ſhall be found travelling without a Paſſport will be taken up and confined, until a Report of his Caſe can be made to the Preſidency.

" Notice is hereby further given, that a Reward of 10 Pagodas will be paid to any Perſon who ſhall take up and bring to the neareſt Garriſon any European Deſerter or Vagrant of any Deſcription.

" By Order of the Right Honourable the Governor in Council.

(Signed) J. WEBBE,
Secy to Govt."

" Fort St. George,
25th May 1799.

The Board entirely concur in the Expediency of the foregoing Regulations, which they deem well calculated for the Purpoſe intended.

Reſolved accordingly, That they be carried into Effect from the 1ſt July next, and that the foregoing Orders be iſſued accordingly.

Extract Public Letter from Fort St. George, dated 9th Auguſt 1799.

138. The Right Honourable the Governor General, deeming it of great political Importance that the Entrance of Foreigners into your Dominions, without the Permiſſion of your Government, ſhould be effectually prevented, ſubmitted at our Conſultation of the 24th May a Code of Regulations for that Purpoſe, as far as reſpects their Arrival by Sea. Theſe Regulations his Lordſhip propoſed ſhould take place on the 1ſt July, under the Superintendance of the Maſter Attendant, who ſhould be allowed a ſeparate Eſtabliſhment for the Purpoſe.

139. His Lordſhip alſo ſubmitted Drafts of the Inſtructions which it would be neceſſary in conſequence to iſſue, to the Maſter Attendant for the Execution of the Regulations at the different Sea Ports, to the Board of Revenue and Commander in Chief, with a View to reſtrain ſuch Foreigners or others from moving through the Country by Land without proper Paſſports, and of a Proclamation which he propoſed to promulgate for general Notification of the Regulations.

140. For the Detail of theſe Regulations we beg to refer your Honourable Court to our Proceedings.

141. Concurring entirely with the Governor General in the Neceſſity of the Regulations, we directed that they ſhould be carried into Effect from the 1ſt of July.

142. In conformity alſo to the Suggeſtion of the Governor General, we have tranſmitted Copies of them to Bengal, Bombay, Ceylon, and Malabar, and recommended that Regulations of a ſimilar Nature, accommodated to the Circumſtances of the reſpective Governments, ſhould be eſtabliſhed and carried into Effect with the utmoſt Degree of Vigilance, Promptitude, and Deciſion.

Extract

Extract Public Letter from Fort St. George, dated the 19th October 1799.

Para. 46. In our Letter of the 9th Auguſt laſt, we had the Honour of explaining to your Honourable Court the Reaſons which had induced us to eſtabliſh a vigilant Check upon the Introduction of Foreigners into the Territories of the Company, and we acquainted you with the Orders and Regulations which we had iſſued for this Purpoſe.

47. A material Part of this Arrangement was committed to the Maſter Attendant, the Superintendance and Controul of the ſeveral Ports on this Coaſt; and in order to enable Mr. Taſwell to carry the Plan into Effect, we have authorized a ſmall Eſtabliſhment of Boats at the principal Places, with a ſmall Increaſe to the Allowances of the Maſter Attendant at Vizagapatam, Coinga, Nagore, and Negapatam. For the Particulars of this Expence, which is indiſpenſably neceſſary to the Arrangement, we beg to refer your Honourable Court to our Minutes in the Margin.

Extract Public Letter to Fort Saint George, dated 18th March 1801.

Letter from, 19th Oct. 1799. Para. 46 & 47. Further Arrangements for preventing the Introduction of Foreigners into the Company's Territories.

Para. 21. In the 41ſt Paragraph of our Letter in the Public Department, dated the 11th June laſt, we ſignified our Approbation of the Regulations for preventing the Entrance of European Foreigners into the Company's Territories; and having peruſed the Minutes to which you have referred us, relative to the neceſſary Eſtabliſhment of Boats at the ſeveral Ports upon your Coaſt, for carrying the Plan into Effect, we approve of your Determination herein.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS, 26th February 1802.

READ the following Letter from the Town Major:

The Right Honourable Lord Clive, Governor-General, &c. &c.

My Lord,

In Obedience to your Lordſhip's verbal Commands, I have now the Honour to ſtate what appears to me to be the Cauſes of the Inſufficiency which your Lordſhip has obſerved in the exiſting Regulations for preventing unauthorized Travellers from penetrating the Country, and the Means by which I conceive the Intentions of Government may be accompliſhed in a more perfect Manner. The Tranſaction of an altered Paſſport, which has lately been reported to your Lordſhip by Lieutenant-Colonel Agnew, has induced me to compare the Reſult of my own Experience with the Obſervations with which I have been favoured by that Officer; and it is worthy of Remark, as evincing in the moſt obvious Manner the Inſufficiency of the preſent Rules, that the Perſon reported by Lieutenant-Colonel Agnew had alſo in his Poſſeſſion ſeveral other Paſſports of various Dates.

The following appear to be the principal Defects of the exiſting Regulations: Paſſports at preſent are granted either by Collectors or Commanding Officers, often without ſufficient Circumſpection; they bear no diſtinguiſhing Mark, printed or impreſſed by Seal, by which *Natives* can decide on their Validity; and any printed Paper of nearly the ſame Form, impreſſed with any Seal of nearly the uſual Size, will in general paſs Travellers by all native Impediments. Sometimes, when Natives are more ſtrict, the Want of ſuch Mark operates inconveniently in another Way; the Traveller is detained till the competent Authority (perhaps at a Diſtance) is enabled to inſpect the Paſſport. Lieutenant-Colonel Agnew ſtates an Inſtance in which a Conductor of Ordnance on Duty was detained Seven Days by a Monigar on the Toujour Country.

Paſſports are neither numbered nor regiſtered by the Officers who grant them, (with I believe one Exception only,) the Period during which they are to be valid is ſeldom expreſſed with ſufficient Preciſion, nor is the Route laid down.

No Deſcription of the Perſon is included: hence any European not generally known may travel on a Paſſport obtained by another. No ſufficient Check is eſtabliſhed to enſure the Delivery of the Paſſports granted to Travellers at the Place of their Deſtination, to prevent their being twice uſed, or to aſcertain that the Traveller has paſſed to the Place of his oſtenſible Deſtination; nor when Paſſports have been changed, is there any Mode by which a Traveller may be traced back to the Place from whence he came.

The Means which have occurred to me by which theſe Defects may be remedied, are,

1ſt. That Blank Paſſports, with an appropriate Inſcription or Seal in Perſian, Malabar, and Telengar, ſhall be iſſued from each Office at the Preſidency as ſhall be charged with the general Controul of this Department, to all Officers, Civil and Military, who may be authorized to grant Paſſports, bound in a Book, with a Cheque Margin, for Inſertion of the Number of the Paſſports and Name of the Bearer, to afford the Means of preventing Forgeries, by Compariſon when returned.

2d. That all Perſons authorized to grant Paſſports ſhall be ordered to keep a Regiſter in a preſcribed Form, of all Paſſports iſſued, and another of all received; each Regiſter to contain in appropriate Columns nearly a Duplicate of the Paſſport, as when, whence, and for what Time granted, to what Place and by what Route, to whom, with a Deſcription of his Perſon and the Place from whence he came, the Number of the Paſſport, and a Blank Column to fill up with the Date of the Traveller's Arrival at the Place of his Deſtination, when the Paſſport is in all Caſes to be taken from him.

3d. That all Travellers on arriving at a Station, ſhall deliver their Paſiport to the proper Officer, who ſhall regiſter its Receipt in the ſame Manner as on granting one; and, if the Bearer proceeds further, iſſue a new Paſs in Exchange, ſtating whence he came, noting in the old one the Date of its Receipt, and at the End of the Month ſending by the Poſt all Paſſes received, to the Perſon by whom they appear to have been granted.

4th. That the Officer at Fort St. George who ſhall be charged with the general Controul over Paſſports, ſhall keep a general Regiſter of all Travellers and Paſſports granted, to enable him to correct which all Perſons authorized to grant or receive Paſſports are to tranſmit to him monthly a Copy of their Regiſter of Paſſports granted and received during the Month.

5th. Any Traveller ſtating that he has loſt his Paſſport, to be ſent back to the Place from whence he affirms that he received it, or detained till a Duplicate ſhall have been obtained; the Admiſſion of ſuch an Excuſe would open a Door to Colluſion and Exchange of Paſſports.

6th. All Perſons authorized to grant or receive Paſſports, ſhall report to the Office of Controul at the Preſidency any Irregularity or Deviation from the eſtabliſhed Rules which may come under their Obſervation, together with all Remarks regarding the Conduct and apparent Views of Travellers which may appear proper or neceſſary to be communicated, for the Purpoſes of further Inquiry; and all Perſons authorized to iſſue Paſſports ſhall alſo be empowered to detain Travellers and report their Detention, on ſufficient Information of improper Conduct.

7th. Public Officers known to be travelling Poſt on the Service, to be exempted from the Operation of theſe Regulations.

If this general Outline ſhould be adopted, the ſubſidiary Regulations would be eaſily arranged.

The Trouble to be incurred by many Individuals would be conſiderable, but with leſs it appears probable that the Check would not be effectual; and it will remain with your Lordſhip to determine whether the Excluſion of unauthorized Travellers is an Object of ſufficient Importance to authorize the Adoption of the propoſed Plan.

From the Nature of the Authority which muſt be veſted in the controlling Office of the Preſidency, your Lordſhip will probably be of opinion that it ought to

to be exercised by one of the Secretaries of the Government, and that he would require the undivided Attention of an additional Assistant to conduct the proposed Arrangements with the Accuracy and Precision without which the Attempt will be nugatory and ineffectual.

I have the Honour to be, with the greatest Respect,
Your Lordship's most faithful Servant,

Fort St. George,
28th February 1802.

M. WILKS,
Town Major

Ordered to lie on the Table.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS, 26th March 1802.

The Board having taken into Consideration the Letter from the Town Major recorded in Consultation 26th February last, entirely approve the Suggestion therein submitted; and it is resolved accordingly, That a Code of Regulations be prepared without Delay under the Superintendance of that Officer, in order that no Time may be lost in carrying this desirable Measure into Effect.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS, 21st April 1802.

Published the following Advertisement:

" GOVERNMENT ADVERTISEMENT. Diary.

" The Right Honourable the Governor in Council having Reason to be satisfied of the total Inefficiency of the present Practice of regulating Passports either to prevent the Passage of unauthorized Travellers, to trace the Route and the Pretensions of those of doubtful Character, or to insure the free Progress of those who are duly authorized, has been pleased to establish the following Orders for the Regulation and Controul of all Passports granted under the Presidency of Fort St. George.

" 1. That from and after the 1st of June next the Secretary of Government in the Public Department shall be charged with the general Controul and Direction of all Passports granted within the Territories of Fort St. George.

" 2. That Passports of the prescribed Form, capable of being recognized by Natives as well as Europeans, in sewed Books, with a Cheque Margin for the Insertion of the Name of the Person and Number and Date of the Passport (for the Purpose of preventing Forgeries by Comparison when returned,) shall be issued by the Secretary to Government, to all Persons who shall be authorized to grant them; viz. to the Resident at Mysore, and to all Collectors for their respective Districts, with an Exception to Sea Ports where there is a Commercial Resident, who will always regulate the Passports of the Port where he resides; to the Town Major of Fort St. George for Military Persons belonging to that Garrison; to the Adjutant General of the Army for all other Military Persons leaving the Presidency; and to such Officer commanding Military Stations as shall be authorized to grant Passports. These Stations shall be determined in the first Instance, and from Time to Time when any Changes of Stations may occur, by the Secretary to Government in Communication with the Adjutant General of the Army. The Secretary of Government will himself regulate the Receipts and Issue at the Presidency of all Passports to Persons not Military.

" 3. That all Persons authorized to grant Passports shall keep a Register, in a prescribed Form, (blank Books of which will be likewise transmitted) of all Passports received, and another of all Passports issued.

" 4. That

" 4. That all Travellers, on arriving at a Station, ſhall deliver their Paſſport to the proper Officer, who ſhall regiſter its Receipt in the ſame Manner as in granting one, and if the Bearer proceeds further, ſhall iſſue a new Paſſport in Exchange, noting in the old one the Date of its Receipt, and at the End of each Month ſending by the Poſt all Paſſports received to the Perſon by whom they appear to have been granted.

" 5. That the Secretary of Government in the Public Department ſhall keep a general Regiſter of all Travellers and Paſſports granted, to enable him to correct which, all Public Officers authorized to grant or receive Paſſports, ſhall tranſmit to him monthly a Copy of their Regiſter of Paſſports granted and received during the Month, and ſhall be held reſponſible for the Application of the exact Number of blank Paſſports with which they have reſpectively been furniſhed by the Secretary.

" 6. That Paſſports to Military Perſons ſhall be granted by Military Officers excluſively, and to all other Perſons by Civil Officers excluſively; but in Caſes of Urgency, a Military Officer in the Abſence of the Civil Authority, and a Civil Officer in the Abſence of a Military Authority, may paſs a Traveller to the next Poſt or Station, by endorſing his Paſſport with the Words " Paſs to ———," noting the Date, entering in his Regiſter the Particulars of the Paſſport in the ſame Manner as if he had granted a new one, and entering the Word " Endorſed " in the Column of Remarks.

" 7. Any Traveller ſtating that he has loſt his Paſſport, ſhall invariably be detained until a Duplicate ſhall have been obtained.

" 8. Public Officers having received a Paſſport, authorizing them to travel Poſt on the Public Service, ſhall not be compelled to wait for the Exchange of their Paſſports, nor be ſubjected to any Part of theſe Regulations which involve Delay.

" 9. All Public Officers authorized to grant or receive Paſſports ſhall report to the Secretary of Government any Irregularity or Deviation from the eſtabliſhed Rules which may come under their Obſervation, together with all Remarks regarding the Conduct and apparent Views of Travellers which may appear proper or neceſſary to be communicated for the Purpoſes of further Inquiry; and all Public Officers authorized to iſſue Paſſports are alſo empowered, on ſufficient Information of incorrect or improper Conduct, to refuſe a freſh Paſſport for the Continuance of a Journey already commenced, (reporting the Detention to the Secretary by the Poſt of the Day), or even to reſtrain, until further Orders, the Perſon of the Traveller, if ſuch Meaſure ſhall in their Judgment appear to be neceſſary.

" 10. For the Convenience of official Arrangements, all Letters relating to Paſſports ſhall be ſuperſcribed " Paſſport Service."

" Publiſhed by Order of the Right Honourable the Governor in Council.

Fort St. George,
21ſt March 1802.

(Signed) JOHN CHAMIER,
Chief Secretary to Gov^t."

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS, 15th May 1802.

Diary. PUBLISHED the following Advertiſement:

" GOVERNMENT ADVERTISEMENT.

" In addition to the Government Advertiſement publiſhed on the 25th May 1799, prohibiting Europeans of every Deſcription from paſſing through the Company's Dominions ſubject to this Preſidency without a regular Paſſport, the Right Honourable the Governor in Council is hereby pleaſed to give Notice, That from and after the 1ſt Day of June next enſuing, any European, of whatever

Rank, Deſcription, or Country, who ſhall be diſcovered paſſing through the Territories under this Preſidency, beyond Fifteen Miles from Fort St. George, without being furniſhed with a regular Paſſport, will be taken up, and confined until the Pleaſure of Government ſhall be known.

" The only Exception which the Right Honourable Governor in Council has been pleaſed to make to the foregoing Reſolution, is in favour of Officers commanding Parties of His Majeſty's or the Honourable Company's Troops.

" For the more ſtrict Execution of this Order, Notice is hereby further given, That a Reward of Ten Pagodas will be paid to any Perſon who ſhall take up and bring into the neareſt Garriſon any European Deſerter or Vagrant of any Deſcription.

" The following are the Officers by whom Paſſports will be iſſued on Application :

" By the Public Secretary to the Government, to Perſons not Military :

" The Town Major, to Military Perſons belonging to the Garriſon of Fort St. George :

" The Adjutant General of the Army, to all other Military Perſons leaving the Preſidency :

" The Reſidents at Hydrabad, Poonah, Myſoor, and Travancore, the ſeveral Collectors of Revenue, the Commercial Reſidents reſiding at Sea Ports, and Officers commanding Military Stations.

" Publiſhed by Order of the Right Honourable the Governor in Council.

" Fort St. George, 15th May 1802." (Signed) G. G. KEBLE, Secretary to Government."

Extract of Public Letter from Fort St. George, dated 29th May 1802.

Para. 33. Being ſatisfied of the total Inefficiency of the preſent Mode of regulating the Iſſue of Paſſports to Europeans paſſing through the Territories ſubject to the Preſidency of Fort St. George, we have reſolved to inſtitute a new Arrangement of that Department on the 1ſt June next, which will in our Opinion entirely remove the Objection complained of under the former Syſtem.

34. For the Particulars of this Arrangement, we beg Leave to refer your Honourable Court to our Proceedings noted in the Margin. Con. 26th March. Dy 23 April. Do. 21 May.

35. We have appointed Mr. George Moore, of your Civil Service, to have Charge of the Iſſue and Receipt of Paſſports under the Chief Secretary to the Government, with an additional Monthly Allowance of 25 Pagodas to have Effect from the 1ſt inſtant.

Extract Public Letter to Fort St. George, dated 27th April 1803.

Letter from, 29th May 1802. Para. 33 & 35. New Arrangement for the Regulation of Paſſports to Europeans paſſing through the Company's Territories.

Para. 178. We have peruſed the Letter from the Town Major, dated 2d February 1802, repreſenting the utter Inefficiency of the Regulations then in force for preventing unauthorized Travellers from penetrating into the Country, and approve of the new Arrangement which has been adopted for the Regulation of that Department, as contained in your Advertiſements of the 21ſt April and 15th May 1802. We likewiſe approve of the Appointment of Mr. Geo. Moore to the Charge of the Iſſue and Receipt of Paſſports under your Chief Secretary, at an Allowance of 25 Pagodas per Month.

Extract Public Letter to Fort St. George, dated 22d Auguſt 1804.

21. In the 48th Paragraph of our ſeparate Commercial Letter to Bengal, dated 16th June 1802, Copy of which was tranſmitted to your Preſidency, we directed that Liſts of Perſons not in the Company's Service, licenſed to reſide in India, ſhould be annually tranſmitted Home ; but as this Order has not yet been complied with, we now repeat the ſame, and enjoin your ſtrict Obſervance thereof.

Extract Public Letter from Fort St. George, dated 8th September 1805.

Letter to, 22d Auguſt 1804. (11.) Liſt of Perſons not in the Service, reſiding in India, to be furniſhed annually.

16. A Copy of this Paragraph has been furniſhed to the Town Major of Fort Saint George, for his Information and Guidance.

Extract Public Letter from Fort St. George, dated 21ſt October 1807.

Para. 213. We have reported to your Honourable Court, in our Political Diſpatch of this Date, the Meaſures which we adopted for embarking the French Priſoners of War and other French Subjects for the Iſle of France.

In Conſul. 2 April.

214. We had previouſly publiſhed an Advertiſement, requiring all Foreigners reſiding at this Place to communicate to the Superintendant of Police, and report their Names, Places of Reſidence, and Period of Arrival at Madras, and we generally explained to the Superintendant the Importance, in the preſent State of Public Affairs, of limiting as much as poſſible the Intercourſe of Foreigners with the Subjects of the Britiſh Government, and obſerved that it was neceſſary that no Foreigners ſhould be permitted to reſide at this Preſidency, whoſe Character or Views might be in any reſpect doubtful, and who might not have a particular Licence for that Purpoſe.

215. We particularly deſired that the Tenor of the Advertiſement which had been publiſhed ſhould be made known to all Foreigners who might be employed at this Place as Artiſans, or in other Duties of that Nature.

In Conſ. 26th Aug.

216. We have ſince, on the Suggeſtion of the Superintendant of Police, adopted ſome Improvements in the Iſſue of Paſſports, particularly with Reference to Foreigners, which are calculated to render the Paſſport Regulations more effectual, and to augment the Check impoſed on the Intercourſe of Foreigners with the Britiſh Territories.

Extract Public Letter to Fort St. George, dated 26th February 1808.

Para. 12. We incloſe a Number in the Packet for your Information and Guidance, Copy of our Orders to the Governor General in Council, dated the 4th February 1807, relative to unlicenſed Perſons not being permitted to reſide in India; and we direct that you pay the moſt particular Regard to the Directions therein contained.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS, 28th June 1808.

The Board proceed to read and paſs Orders on the General Letter in the Public and Commercial Departments, received from the Honourable the Court of Directors by the Honourable Company's Ships Alnwick Caſtle and David Scott.

Public Letter, dated 26th February 1808.

(12.) Forwarding a Copy of their Orders to the Supreme Government, on the Subject of unlicenſed Perſons reſiding in India, with Inſtructions in conſequence.

Reſolved, That Copies of this Paragraph, and of the Paper to which it refers, be furniſhed for the Information and Guidance of the Marine Board, the Town Major of Fort St. George, and the Collector of Madras, and that the latter Officer be directed to ſubmit, as early as may be practicable, a Liſt and Deſcription of all the Europeans, Engliſh as well as Foreigners, reſiding at Madras or in its Environs, who are not in the King's or Company's Service, for the Purpoſe of being tranſmitted to the Honourable Court of Directors, agreeably to their Inſtructions.

Reſolved alſo, That a Copy of the 7th Paragraph of the Inſtructions of the Honourable the Court of Directors to the Supreme Government be tranſmitted to each of the Zillah Judges ſubordinate to this Preſidency, with Directions to prepare

pare without Delay Reports ſimilar to thoſe required by the Honourable Court from that Government, of the Europeans not in the King's or Company's Service, who may be at preſent reſiding within their reſpective Zillahs.

EXTRACT FORT ST. GEORGE PUBLIC CONSULTATIONS, 4th Auguſt 1809.

To the Chief Secretary to Government, Fort St. George.

Sir,

Para. 1. On the Occaſion of the Honourable the Governor in Council having been pleaſed to appoint me to be Acting Superintendant of Police, amongſt the numerous Documents connected with the general Duties of the Department, my Attention was particularly directed to Extracts of the Minutes of the Conſultation under Date the 28th June 1808, which, together with Extracts of the Letters from the Honourable Court of Directors, were forwarded to this Office by Mr. Secretary Keble's Letter, dated 29th June 1808.

2. The Documents refer to the increaſing Number of Britiſh Subjects reſiding at the ſeveral Preſidencies and their Dependencies without the Licence of the Honourable Company.

3. The Minutes of Conſultation directed the Superintendant of Police to furniſh with as much Expedition as the Nature of the Details would admit, a Liſt of all Europeans, Engliſh as well as Foreigners, reſiding at Madras or its Environs, who are not in the King's or Company's Service.

4. The Importance attached by the Honourable Court of Directors to the Subject of theſe Extracts, the favourable Opportunity for complying with their Injunctions which the Occaſion of the October Diſpatch will afford, together with the Impreſſion that the preſent limited and circumſcribed Authority veſted in my official Capacity, are totally inſufficient to warrant my adopting Meaſures which, though eſſentially requiſite to the Attainment of the deſired Information, might, unleſs ſanctioned by Government, appear premature or incompatible with the exiſting Powers veſted in Police;—theſe Conſiderations have induced me to ſubmit a few Remarks, and ſuggeſt ſome Plans for the Conſideration and Approval of the Honourable the Governor in Council, which appear not only connected with the Subject in queſtion, but of a Tendency ſucceſsfully to check the Abuſes which have from Time to Time imperceptibly obtained in the Paſſport Regulations, and rendered their Proviſions almoſt nugatory.

5. The latter Part of the 4th Section of the Paſſport Regulations, 21ſt April 1802, provides, that monthly Returns of all Paſſports ſhall be made to the Perſons by whom they appear to have been granted. On examining the Regiſtry of Paſſports iſſued to Foreigners, I have had frequent occaſion to obſerve, that the different Local Authorities have been extremely remiſs in making the neceſſary monthly Returns; the Inconvenience reſulting in the Non-obſervance of ſo material a Duty, is too obvious to need remark. I am, however, fully ſenſible, that it generally originates in the Negligence of Individuals, who on arriving at their final Deſtination fail in reporting themſelves to the proper Authority, and thus preclude all Poſſibility of any regular Return being furniſhed.

6. The Government Advertiſement under Date the 2d April 1807, enjoined all Foreigners of whatever Deſcription reſiding in the Preſidency, to deliver to this Office a Report of their Names, Place of Reſidence, and Occupation, and likewiſe required Foreigners to report themſelves to the Superintendant of Police within 24 Hours after their Arrival in Madras.

7. Notwithſtanding this public Notification of Government regarding Foreigners, many Inſtances have occurred (antecedent and ſubſequent to my Appointment) of Foreigners failing in the Obſervance of the Orders contained in that Advertiſement, and Arrivals and Departures principally by Sea happened, of which the Superintendant of Police has received no official Intimation.

8. One

8. One of my Predeceſſors in Office, Mr. Garrow, adverting to the above Circumſtances, addreſſed a Letter to Government under Date the 9th January 1808, recommending the Republiſhment of the above Advertiſement, as alſo that of the 22d Auguſt 1807, which at his Suggeſtion accordingly took place; but though the Orders of Government have been re-entered, and ſufficiently explicit on this Subject, it would appear Negligence in ſome Inſtances, and Contumacy in others, have contributed very materially to weaken their Effect.

9. The Orders of Government exacting from Foreigners a ſcrupulous Obſervance to ſuch Regulations as are occaſionally iſſued in regard to them, have hitherto only been notified through the Channel of the Government Gazette, and although yet much is, I preſume, to be attributed to the partial manner of promulgating official Notifications, a more extenſive would, I conceive, be attended with beneficial Effects, and render a Plea of Ignorance, too generally adduced to palliate neglect, leſs excuſable.

10. The Government Advertiſement of the 22d Auguſt 1807, which adopts certain Modifications in the Paſſport Department, and requires all Foreigners to deliver their Paſſports at the Police Office in Perſon, as alſo all Foreigners reſiding at the Out Stations, to report themſelves without Delay through the Channel of the neareſt Magiſtrate, Collector or other local Authority, has not been carried into Effect with Strictneſs, or given that Publicity which I conceive requiſite to this Department being furniſhed with an accurate Regiſtry of Foreigners reſiding at Out Stations. Perſonal Obſervations enable me to ſtate that a very conſiderable Number reſide within the Limits of the Juriſdiction of the Zillah of Tinnevelly, of whom only a very partial Deſcription has been tranſmitted to this Office.

11. A numerous Body of Foreigners, the Majority I believe Dutch, have obtained the Permiſſion of Government to reſide at Sadras, Pulicat, and other Places contiguous to the Preſidency; theſe Men, for the moſt part, carry on a Species of petty Traffick, which renders their Appearance in Madras frequently neceſſary to expedite their private Concerns. Inſtances occur of their being apprehended in the Preſidency without Paſſports, and when interrogated as to their not being furniſhed with one, they plead Ignorance of any Regulation which enjoins them to take out a Document of that Nature to enable them to viſit Madras. The Names of a great Number of Perſons (Foreigners) living at Pulicat, do not appear on the Regiſtry.

12. In addition to a Plea of Ignorance when apprehended by the Police Officers, they likewiſe urge that the Diſtance between their Place of Reſidence and that of the Magiſtrate of the Zillah of Chingleput, renders the procuring of thoſe Documents not only extremely difficult and precarious, but on account of Delay very detrimental to their private Intereſts; and when it is conſidered that the ſcanty Means of many Foreigners reſiding at Pulicat is ſuch as demands the moſt ſcrupulous Regard to Economy, it may be expected they will run the Riſk of being detected proceeding without a Paſſport rather than incur the Expence of ſending a Servant to Chingleput to procure one. The Conſtruction of the New Canal has likewiſe very materially facilitated the Journey to the Preſidency, every one being anxious to avail himſelf of ſo cheap and expeditious a Mode of Tranſportation.

13. After all the Reflection I have been able to give on the Subject, I am of Opinion that the preſent Inefficiency of the Paſſport Regulations does not reſult in any radical Defect in their Proviſions, but may in a great Meaſure be attributed to the Want of a more extenſive and general Promulgation; I therefore beg leave reſpectfully to ſuggeſt that the Advertiſements of the 2d April and 22d Auguſt 1807 be again re-publiſhed, and alſo that a certain Number of Copies be printed at the Government Gazette Office and furniſhed to this Department; ſome of which I propoſe affixing in the moſt conſpicuous Places of public Reſort, and others might be ſent to the different Zillah Stations, with Injunctions of the Magiſtrates to give them every Degree of Publicity, and adopt ſuch other Meaſures as may appear calculated to attain the Object propoſed; and as a further Precaution againſt the Plea of Ignorance of the exiſting Orders of Government, regarding Foreigners, a few Copies of the Advertiſements of Government would be advantageouſly diſpoſed of to ſome of the moſt reſpectable French and Foreign Inhabitants

Inhabitants of Madras, with a Requeſt to ſhew thoſe Regulations to Foreigners occaſionally, making temporary Viſits at their Houſes.

14. Foreigners reſiding within the Limits of Madras and its Vicinity are conſtantly changing their Habitations; and as many do not give Intimation of ſuch Change of Reſidence to the Police, it neceſſarily happens that the preſent Regiſtry of that Deſcription of Perſons is in many Inſtances incorrect and incomplete. To enable me, therefore, to reviſe and correct that Regiſtry, I beg Leave to recommend that the incloſed Advertiſement be publiſhed in the Government Gazette, for general Information, and that Foreigners, and all other Deſcription of Perſons to whom it may refer, be enjoined the ſtrict Obſervance of the Orders therein contained.

15. I likewiſe propoſe to addreſs Letters to ſeveral Authorities ſubordinate to the Preſidency, requeſting them with all poſſible Diſpatch to forward to this Office a Return of Foreigners and Britiſh Subjects, not in the Employ of His Majeſty or the Honourable Company, who may reſide within the Limits of their reſpective Juriſdiction.

16. The incloſed Form of their Returns, which I beg Leave to ſubmit for the Approbation of the Honourable the Governor in Council, will, I truſt, when enforced, be found ſufficient to the Attainment of its Object, and I hope embraces every Point of Information which may be deemed eſſential.

I have the Honour to be, &c.

Madras Police Office,
31ſt July 1809.

(Signed) J. H. Symons,
Superintendant of Police.

The following Draft of a Reply is read and approved:

To the Superintendant of Police.

Sir,

Para. 1. I am directed to acknowledge the Receipt of your Letter of the 31ſt ult. and to acquaint you, that the Honourable the Governor in Council approves the ſeveral Meaſures propoſed by your Predeceſſor, and recommended by yourſelf, for obtaining a Knowledge of all Europeans (Engliſh as well as Foreigners) who may reſide within thoſe Territories, and for rendering efficient the exiſting Paſſport Regulations.

2. The Draft of an Advertiſement which accompanied your Letter is herewith returned; and you are authorized to publiſh it in the Government Gazette, and to adopt the other Meaſures which you conſider neceſſary for its general Promulgation.

I am, &c.

Fort St. George,
4th Auguſt 1809.

(Signed) A. Falconer,
Chief Secretary to Government.

Extract Public Letter to Fort St. George, dated 6th March 1810.

Letter from 21ſt October, 1807. (213 a 216), adverting to certain Modifications in the eſtabliſhed Paſſport Regulations.

75. We have peruſed the Advertiſements iſſued by you on the 2d April and 22d Auguſt 1807, and 13th January 1808, with the View of checking the Intercourſe of Foreigners with the Subjects of the Britiſh Government; and we approve of the Modifications which have been made at the Suggeſtion of the Superintendant of Police, in the eſtabliſhed Paſſport Regulations, which appear to be well calculated to prevent the Ingreſs to the Territories under your Juriſdiction of Perſons inimical to the Intereſts of the Company.

Extract Public Letter to Bombay, dated 11th December 1793.

Para. 7. The Situation of our Servants in India, and of Perſons reſiding there under the Company's Licence, being very much altered by the Act of the 33d of His preſent Majeſty, Cap. 52. it is become neceſſary to vary their Covenants entered into with us, and make them correſpond with the Proviſions of that Act. We have therefore cauſed all the Covenants heretofore entered into by our Servants and others to be altered, and now ſend you a ſufficient Number of each Sort, to

be executed by all Perſons reſident under your Preſidency. We direct, that every Perſon in our Service be called upon immediately to execute the Covenants proper to his Station; and that on his refuſing to do ſo, he be diſmiſſed, and have Notice to come Home. We alſo direct, that all other Britiſh Subjects reſiding under your Preſidency, whether with or without Licence, be forthwith called upon to execute the Covenants proper to their Stations; that on Neglect or Refuſal to execute, they have Notice to quit India; which Notice, if they refuſe to obey, you muſt enforce, by ſending them Home in ſuch Manner as the Law allows, as we are determined not to permit any Perſon in future to reſide in India without our Licence, and being under proper Covenants, ſo that any Irregularity of Conduct may be more readily corrected.

8. We ſhall at all Times be ready to give Licences to ſuch a Number of proper Perſons to go to India as may be neceſſary for effectuating the Purpoſes of the Act, they entering into the uſual Covenants for their Conduct; but we will not allow any one to proceed to or reſide in India without our Licence; and therefore, if any Perſon hereafter ſhall preſume to go to India, and appear within your Juriſdiction without our Licence, we require you forthwith to deal with him as an unlicenſed Trader, and ſend him Home, before he can make ſuch an Eſtabliſhment in Buſineſs as may be an Excuſe for Time being allowed to him to prepare for his Return.

9. Inconveniences having ariſen by Perſons executing only One Set of Covenants, we direct that each Perſon ſhall execute his Covenants in Duplicate, One Copy of which you will keep, and ſend Home the other. We ſhall purſue the ſame Plan here, ſend out one Part of the Covenants to the Preſidency to which the Perſon executing them may belong.

10. You will be careful to have the Covenants you ſend Home witneſſed by a Perſon whoſe Hand-writing is well known, and can eaſily be proved in England by Perſons who have ſeen him write, that we may be under no Difficulty of proving them in England, if ſuch Proof upon any Occaſion ſhould become neceſſary.

Extract Public Letter to Bombay, dated 30th May 1794.

Para. 2. In our Letter of the 11th December laſt we informed you, that it was our Intention to ſend, in conſequence of the late Act of Parliament, a ſufficient Number of Covenants to be executed by our Servants and all Europeans reſident under your Preſidency. We have ſince determined, with reſpect to thoſe in the Company's Service, as we can more readily have Acceſs to their Securities than you can, to call on thoſe Securities in England immediately, and on ſuch Security being given, we ſhall tranſmit a Counterpart of each Covenant, with the Company's Seal affixed thereto, which Counterpart you muſt deliver to the Parties concerned on their executing the Covenants in Duplicate, conformably to the Mode pointed out in the 9th and 10th Paragraphs of our before-mentioned Letter. We have thought it expedient that the new Covenants which our Servants and others are to enter into in conſequence of the late Act of Parliament, ſhould be dated on the Day on which the Act is directed to take place in India, namely, the 1ſt Day of February 1794. By the Ship Sir Edward Hughes you will receive ſuch a Number of Covenants as on a Calculation we deem adequate.

3. With regard to Perſons who reſide under your Preſidency and have not entered into Covenants of any Deſcription, we have by the above Conveyance ſent a Number of Covenants of the Denomination of Covenants of "Free Merchants," "Free Mariners," and of Perſons permitted to reſide in India. Theſe are calculated for all Perſons who are to reſide under the Company's Protection, and you will take Care that each Perſon executes one of theſe Deſcriptions in the Mode already pointed out. Each Perſon executing a Free Merchant's Covenant muſt ſend Home the Names of Two reſponſible Perſons in England to enter into a Security in the Sum of £2,000., and each Perſon ſigning either of the other Two Deſcriptions of Covenants, muſt in like Manner give Security for the Sum of £1,000.; and on ſuch Security being given, we ſhall tranſmit you the Counterparts, to be diſpoſed of as mentioned in the preceding Paragraph.

4. No Difficulty can ariſe among thoſe Perſons who are reſpectable in their Situations or Connections, but in Caſes where the Individuals have not reſpectable Friends

Friends in England, as we fuppofe fome of the inferior Defcription of Shopkeepers may not have, we authorize you to accept of Security from Perfons refident in India, in which Cafe you will give them a Counterpart under the Company's Seal.

5. We have likewife fent a fufficient Number of Covenants to be executed by the Military Officers on your Eftablifhment; and as it has not been ufual that Security fhould be given for their Performance of the Covenants, you will deliver to each a Counterpart, under the Company's Seal, on their executing in Duplicate as before mentioned.

Extract Public Letter from Bombay, dated 25th September 1794.

Letter to, dated 11th December 1793.	
7. Noticing that the Situation of the Company's Servants in India, and other Perfons refiding under their Licence, being very much altered by the late Act of Parliament, it becomes neceffary to vary the Covenants entered into with them, and propofe fending out a fufficient Number for that Purpofe, and direct that the Parties be called upon to execute the fame.	Para. 6. Thefe Commands will be duly obeyed, as foon as the Covenants are received.
8. The Court's Determination not to permit any Perfon to refide in India without their Licence, and directing, fhould any Perfon appear here without the fame, to be fent home.	7. Will be duly attended to.
9. All Perfons to execute Covenants in Duplicate; one to be kept in India, and one fent Home.	8. Will be duly attended to.
10. The Covenants fent home to be witneffed by a Perfon whofe Hand-writing is well known.	9. Will be duly attended to.

EXTRACT BOMBAY PUBLIC CONSULTATIONS, 25th June 1799.

Copies of the above Letter, and of its Enclofures, were referred under the 23d inft. to the Superintendant of Marine, Cuftom Maſter, and Superintendant of Police, as a Committee conſtituted to meet and concert fuch Regulations, in Addition to or Amendment of thofe now in force, as may effectually anſwer the Object of the Supreme Government in regard to the Arrival or Refidence of Foreigners in India. Vide Page 91 George.

The Committee were at the fame Time directed to reduce all the Rules they might deem neceffary to enact for this Purpofe to one fyſtematic Code, in the Manner of the Bengal printed Regulations.

EXTRACT BOMBAY PUBLIC CONSULTATIONS, 5th July 1799.

READ the following Letter from the Committee appointed to draw up Regulations regarding Foreigners:

Honourable Sir,

IN Obedience to your Orders of the 23d ult. we have met and conſidered the ſeveral Papers then communicated to us, for the Purpofe of drawing up a Code of Regulations impoſing more effectual Reſtraint than at preſent exiſts on the Landing of European Foreigners on this Iſland; and attending to the Inſtructions from the Governor General, as carried into Execution at Madras, we have now the Honour to lay before you the Reſult of our Opinion, which we hope will be found to anſwer the Intention of our Meeting.

Your Honourable Board will, no Doubt, under thefe propoſed Regulations, obſerve the Neceſſity of ſome active and truſt-worthy Perſon, with a proper Eſtabliſhment

bliſhment of Boats, being appointed to diſcharge the Office of Inſpector of the Port, to which a conſiderable Degree of Labour and Reſponſibility will be attached; and likewiſe that one of the Honourable Company's Cruizers, of a reſpectable Appearance, be conſtantly ſtationed in the Mouth of Harbour, for the Purpoſes mentioned in the propoſed Regulations.

It will alſo perhaps be proper to communicate theſe Regulations, or the Subſtance of them, to the Chiefs of Mahim and Salſette, that they may be by them carried into Execution as far as local Circumſtances will admit.

A ſufficient Number of Copies ſhould be printed for Diſtribution at preſent, as well as to be ſent on board of Foreign Ships as they may arrive.

We further take the Liberty of pointing out that ſome Objections may ariſe on the Part of the Men of War of Foreign States, particularly of Portugal, who may object to their being ſubjected to ſuch Regulations as thoſe now propoſed, on which your Honourable Board will determine as to what Ships are to be exempted from the Examination we have therein recommended.

We have the Honour to be, &c.

(Signed) PH. DUNDAS.
PH. S. MARSTER.
SN. HALLIDAY.

Bombay, 3d July 1799.

Propoſed Regulations for preventing Foreigners of every Deſcription from landing at this Preſidency and its Dependencies, without Permiſſion from the Government.

1ſt, That no Perſon whatever ſhall be permitted to diſembark from any Foreign Veſſel, until ſuch Veſſel ſhall have been inſpected by the proper Officer, and regular Permiſſion in conſequence obtained.

2d, That for this Purpoſe official Notice (according to the annexed Form), under the Signature of the Secretary to the Government, be diſpatched to all Foreign Veſſels on their Approach to this Harbour, informing their Commanders of the foregoing Reſolution, and requiring them to prepare Liſts of their Paſſengers and Ship's Company for Delivery to the Inſpecting Officer, which Liſts ſhall, if required, be authenticated by the Affidavit of the Commander and Senior Officer of each Veſſel reſpectively.

" FORM.

" Sir,

" You are hereby informed of the Reſolution of the Governor in Council, that no Perſon will be permitted to land from your Veſſel until ſhe ſhall have been duly inſpected by an Officer appointed for this Purpoſe. You are therefore to prepare a Muſter Roll of your Ship's Company, and of the Paſſengers on board; which Roll, under the Signature of yourſelf and of your Chief Officer, ſhall be delivered to the Inſpecting Officer, and ſhall, if required, be atteſted on Oath before a Magiſtrate.

" The Inſpecting Officer is authorized to examine your Crew and Paſſengers according to the Roll, which is to contain the Names of each Perſon on board, the Time of their Entry, the Time and Place of their embarking, their Country, and the Station or Character of each; to this Roll you are to add the Names of all Places at which your Veſſel may have touched during the Voyage. Until you ſhall have complied with this Order, you will not be permitted to have Communication with the Shore; and upon landing, you are to pay ſtrict Obedience to the Printed Regulation, which you will find at the Office of the Superintendant of Marine; in Failure of which, your Ship will not be admitted to any Entry at any Britiſh Port in India."

3d. Towards effecting this Purpoſe, it will be neceſſary that a ſufficient Number of the printed Forms be prepared, and that a Veſſel be conſtantly ſtationed in the Mouth of the Harbour to communicate them to every Ship under Foreign Colours, which may be entering thereinto, and to enjoin her to anchor until the Inſpecting Officer ſhall come on board and make the neceſſary Inquiries.

4th. A ſuf-

4th. A ſufficient Number of Guard Boats to be conſtantly attending on this Veſſel, to enable her Commander to ſend at leaſt one to remain alongſide of each Foreign Ship until removed by the proper Authority, and while there to prevent any Boat whatever from either going on board of her from the Shore, or going to the Shore from the Ship.

5th. That on the ſtrange Ships anchoring as above, the Inſpecting Officer ſhall proceed on board, and ſhall examine and muſter the Crew and Paſſengers according to the Liſts which ſhall have been prepared under the Signature of the Commander and that of his Senior Officer.

6th. That if on this Muſter and ſuch further Examination as the Inſpecting Officer ſhall deem neceſſary, he ſhall not obſerve any ſuſpicious Perſons to be on board, he is to authorize the Pilot to bring the Ship to her Moorings, and to return to the Shore with his Report to the Superintendant of Marine, enjoining the Guard Board alongſide to exert its utmoſt Vigilance in preventing any Perſon quitting the Ship, or going on board of her.

7th. That if the Superintendant ſhall be ſatisfied with the Report of the Inſpecting Officer, he ſhall authorize the Removal of the Guard Boat, and the neceſſary Communication with the Ship; if not the Guard Boat is to remain, and a Report to be made by him to the Honourable the Governor.

8th. That after the Guard Boat ſhall be removed from alongſide any Foreign Ship importing here by the Authority of the Superintendant of Marine, a Notice in Writing ſhall be ſent the Cuſtom Maſter, who will then ſend his Boat on board with ſuch Orders and Regulations as relate to his Department.

9th. The Guard Boat is to report to the Inſpecting Officer any Violation of theſe Regulations which may be perſiſted in by any Perſon, and detain ſuch Boat as they may be on board of until he receives his Orders on the Subject.

10th. That the Captain or Supracargo of every Foreign Ship importing into this Harbour ſhall, immediately on their Landing, deliver into the Office of the Superintendant of Police a Liſt of ſuch of the Officers and Crew as it is intended ſhall reſide on Shore during the Ship's Stay, who, if he ſee no Objection, ſhall thereon grant each a printed Certificate of their being permitted to remain on Shore.

11th. That the Captain or Supracargo ſhall further leave at the Police Office a Paper with the Signatures of ſuch Officers of the Ship (not exceeding Three on board of each), whoſe Authority ſhall, when counterſigned by the Superintendant of Police, be a ſufficient Paſs for ſuch of the Crew as may have Occaſion to be on Shore for a Time only, which Time is to be ſpecified in the Paſs.

12th. All Seamen and others belonging to Foreign Ships, and ſuſpicious Perſons in general, not in Poſſeſſion of either a general or temporary Paſs, as above, to be apprehended by the Superintendant of Police, and kept in Cuſtody, the Captain or Supracargo of the Ship being charged with all Expences attending their Seizure and Detention.

13th. That a Regiſter be kept in the Police Office of all Paſſes granted, and that they be numbered 1 to on each, for the Purpoſe of Reference.

14th. To effect theſe beneficial Purpoſes, Orders may be iſſued at the Gates and other Military Guard to prevent all Foreign European Seamen from paſſing or landing on the Iſland unprovided with a Paſs counterſigned by the Superintendant of Police.

15th. If at any Time the Superintendant of Police ſhall ſee Cauſe to ſuſpect Perſons thus landed of improper Intentions, he is to apprehend and detain the ſame, and make Report thereof to the Honourable the Governor.

16th. That no Commander of a Foreign Ship ſhall entertain on board any Perſon, either as a Part of his Crew or as a Paſſenger, without a Permit from the Superintendant of Marine.

17th. That when any Foreign Ship is about to depart from this Port, the Inſpecting Officer ſhall, previous to the Embarkation of her Commander, repair on board, and muſter and examine the Crew, according to the Liſts furniſhed on her firſt Importation, and examine the Officers and Crew as to ſuch Caſualties as may have been reported during the Continuance of the Veſſel in Port, and to require the Permit from the Superintendant of Marine for ſhipping ſuch additional Men or Paſſengers as he may find on board.

18th. That in Caſes which ſhall appear to require it, the Inſpecting Officer ſhall ſearch any Foreign Ships under ſuſpicious Circumſtances, and ſhall upon all Occaſions, after his Inſpection ſhall have been completed, ſtation a Guard Boat alongſide of every Foreign Veſſel, to prevent Communication with the Shore, until ſhe may ſail.

19th. After the Inſpecting Officer has made his final Muſter and Examination of any Foreign Ship about to depart, a Guard Boat is to be ſtationed alongſide of her; and no Perſon is to be allowed to go on board of her, without a Paſs from the Superintendant of Marine.

20th. As ſoon as the Superintendant of Marine ſhall have been ſatisfied by the Report of the Inſpecting Officer that theſe Regulations have been complied with, he ſhall counterſign the Ship's Port Clearance as the Authority for her Departure.

21ſt. An immediate Report to be made by the Superintendant of Marine of any Foreign Ship which may ſail from the Harbour without the regular Port Clearance; and the Cruizer in the Mouth of the Harbour, upon an agreed-on Signal from the Light-houſe, is, as far as poſſible, to prevent any ſuch Ship from leaving the Harbour without a Pilot.

22d. That for the Purpoſe of effectually enforcing the Tenor and Intention of theſe Regulations, no Foreign Veſſel whatever ſhall be admitted to an Entry, unleſs the Commander of her ſhall, upon his firſt Arrival at any Port within the Company's Dominions in India, have complied with the Forms hereby eſtabliſhed, and unleſs upon his Departure from the Place of his firſt Importation he ſhall have obtained the Port Clearance and Certificate hereby preſcribed.

23d. That the Officer in Command of the Veſſel ſtationed at the Mouth of the Harbour ſhall ſend one of his Guard Boats, with an intelligent Perſon, to inſpect all Dows, Dingeys, and other Veſſels of that Deſcription coming into this Harbour; that ſuch Perſon ſhall inquire of the Naquedah or Craney what Paſſengers, or if any Europeans whatever be on board, and ſhall carefully examine ſuch Veſſel; and if ſatisfied that no improper or ſuſpicious Paſſenger or other Perſon is concealed therein, ſhall allow ſuch Veſſel to proceed up the Harbour; otherwiſe, to detain her until a Report can be made to the Superintendant of Marine, who will thereon act as he may deem neceſſary.

24th. That any European, not in the Service of His Majeſty or the Honourable Company, landing from the Mahratta Country at any of the Bunders under the Cuſtom Maſters, ſhall be detained at the Cuſtom Houſe, until a Report can be made to the Governor of his Name, Nation, Profeſſion, and Reaſons for viſiting this Iſland, unleſs ſuch European ſhall be furniſhed with a Paſs from the Honourable the Governor, the Reſident at Poonah or Hydrabad, or ſome Perſon authorized to give ſuch Paſs, in which Caſe he is to be ſent to the Office of Police, where his Name is to regiſtered.

25th. And in the like Manner, no European of the foregoing Deſcription ſhall be allowed to go off at any of the ſaid Bunders, without a Paſs regularly granted.

(Signed) PH. DUNDAS.
PH. S. MARSTER.

The Conſideration of the above Regulations will be reſumed at a future Meeting.

EXTRACT BOMBAY PUBLIC CONSULTATIONS,
16th July 1799.

IN purſuance of the Letter from the Committee appointed to draw up Regulations in regard to the Landing of Foreigners, recorded under the 5th inſtant, the Preſident delivers in the following Draft of modified Articles, which he propoſes may be adopted and carried into effect at this Port:

"Whereas it is expedient to prevent Foreigners of every Deſcription from landing at this Preſidency and its Dependencies without Permiſſion from the Govern-

ment, the following Rules are enacted for this Purpoſe, and for the better Regulation of the Police of Bombay in general.

" 1. That no Perſon whatever be permitted to diſembark from any Foreign Veſſel, until ſuch Veſſel ſhall have been inſpected by the proper Officer, and regular Permiſſion in conſequence obtained.

" 2. For this Purpoſe, official Notice (according to the annexed Form), under the Signature of the Secretary to the Government, is to be diſpatched to all Foreign Veſſels on their Approach to this Harbour, informing their Commanders of the foregoing Reſolution, and requiring them to prepare Liſts of their Paſſengers and Ship's Companies for Delivery to the Inſpecting Officer; which Liſts ſhall, if required, be authenticated by the Affidavit of the Commander and ſenior Officer of each Veſſel reſpectively.

" Form.

" Sir,

" 1ſt. You are hereby informed of the Reſolution of the Governor in Council, that no Perſon will be permitted to land from your Veſſel, until ſhe ſhall have been duly inſpected by an Officer appointed for this Purpoſe; you are therefore to prepare a Muſter Roll of your Ship's Company, and of the Paſſengers on board; which Roll, under the Signature of yourſelf and of your chief Officer, ſhall be delivered to the Inſpecting Officer, and ſhall, if required, be atteſted on Oath before a Magiſtrate.

" 2d. The Inſpecting Officer is authorized to examine your Crew and Paſſengers according to the Roll, which is to contain the Name of each Perſon on board, the Time of their Entry, the Time and Place of their embarking, their Country, and the Station or Character of each; to this Roll you are to add the Names of all Places at which your Veſſel may have touched during the Voyage.

" 3d. Until you ſhall have complied with this Order, you will not be permitted to have Communication with the Shore; and upon your landing, you are to pay ſtrict Obedience to the printed Regulations which you will find at the Office of the Superintendant of Marine, in Failure of which your Ship will not be admitted to any Entry at any Britiſh Port in India."

" 3. A Veſſel is to remain conſtantly ſtationed in the Mouth of the Harbour, to communicate according to theſe Regulations with every Ship under Foreign Colours which may be entering, and to enjoin her to anchor until the Inſpecting Officer ſhall come on board and make the neceſſary Inquiries, and a Guard Boat is to remain alongſide of each Foreign Ship thus importing, until removed by the proper Authority, and while there, to prevent any Boat whatever from either getting on board of her from the Shore, or from proceeding to the Shore from the Ship.

" 4. On the Strange Ship's anchering as above, the Inſpecting Officer is to proceed on board, and to examine and muſter the Crew and Paſſengers according to the Liſts, which ſhall have been prepared under the Signature of the Commander and that of his Senior Officer.

" 5. If on this Muſter and ſuch further Examination as the Inſpecting Officer ſhall deem neceſſary, he ſhall not obſerve any ſuſpicious Perſons to be on board, he is to authorize the Pilot to bring the Ship to her Moorings, and to return to the Shore with his Report to the Superintendant of Marine, enjoining the Guard Boat alongſide to exert its utmoſt Vigilance in preventing any Perſon from quitting the Ship, or proceeding on board of her.

" 6. In caſe the Superintendant be ſatisfied with the Report of the Inſpecting Officer, he ſhall authorize the Removal of the Guard Boat, and the neceſſary Communication with the Ship; if not, the Guard Boat is to remain, and a Report to be made by him to the Honourable the Governor.

" 7. Upon the Guard Boat's being removed from alongſide any Foreign Ship importing in the Manner ſpecified in the preceding Section, written Notice thereof is to be immediately tranſmitted by the Superintendant to the Cuſtom Maſter, who is then to ſend his Boat, on board with ſuch Orders and under ſuch Regulations as relate to his Department.

" 8. The Guard Boat is to report to the Inſpecting Officer any Violation of theſe Regulations, which may be perſiſted in by any Perſon or Perſons, and to detain ſuch

ſuch Boat as he or they may be on board of, until he receive his Orders on the Subject.

" 9. The Captain or Supercargo of every Foreign Ship importing into this Harbour, ſhall immediately on their landing deliver into the Office of the Superintendant of Police a Liſt of ſuch of the Officers and Crew as it is intended ſhall reſide on Shore during the Ship's Stay, who, if he ſee no Objection, ſhall thereon grant to each a printed Certificate of their being permitted to remain on Shore, taking hereon the Inſtructions of the Governor as may from Time to Time prove neceſſary.

" 10. The Captain or Supercargo ſhall further leave at the Police Office a Paper with the Signature of ſuch Officers of the Ship (not exceeding Three on board of each), whoſe Authority ſhall, when counterſigned by the Superintendant of Police, be a ſufficient Paſs for ſuch of the Crew as may have Occaſion to be on Shore for a Time only, which Time is to be ſignified in the Paſs.

" 11. All Seamen and others belonging to Foreign Ships, and ſuſpicious Perſons in general, not in Poſſeſſion of either a general or temporary Paſs as above, to be apprehended by the Superintendant of Police, and kept in Cuſtody. The Captain or Supercargo of the Ship being charged with all Expences attending their Seizure and Detention.

" 12. A Regiſter is to be kept in Numerical Order for each Month in the Police Office, of all Paſſes granted for the Purpoſe of Reference.

" 13. Orders to be iſſued at the Gates, and at the Stations of other Military Guards, to prevent all Foreign European Seamen from paſſing or landing on the Iſland unprovided with a Paſs counterſigned by the Superintendant of Police.

" 14. If at any Time the Superintendant of Police ſhall ſee Cauſe to ſuſpect Perſons thus landed of improper Intentions, he is to apprehend and detain the ſame, and make Report thereof to the Honourable the Governor.

" 15. No Commander of a Foreign Ship ſhall entertain on board any Perſon either as a Part of the Crew or as a Paſſenger, without a Permit from the Superintendant of Marine, who is to act in granting the ſame under the Orders and Sanction of the Governor.

" 16. When any Foreign Ship is about to depart from this Port, the Inſpecting Officer ſhall, previous to the Embarkation of her Commander, repair on board and muſter and examine the Crew according to the Liſts furniſhed on her firſt Importation, and examine the Officers and Crew as to ſuch Caſualties as may have been reported during the Continuance of the Veſſel in Port, and require the Permit from the Superintendant of Marine for ſhipping ſuch additional Men or Paſſengers as he may find on board.

" 17. In Caſes which ſhall appear to require it, the Inſpecting Officer ſhall ſearch any Foreign Ships under ſuſpicious Circumſtances, and is, upon all Occaſions after his Inſpection ſhall have been completed, to ſtation a Guard Boat alongſide of any Foreign Veſſel, to prevent Communication with the Shore, until ſhe may ſail out of the Harbour.

" 18. After the Inſpecting Officer has made his final Muſter and Examination of any Foreign Ship about to depart, a Guard Boat is to be ſtationed alongſide of her, and no Perſon is to be allowed to go on board of her without a Paſs from the Superintendant of Marine.

" 19. As ſoon as the Superintendant of Marine ſhall have been ſatisfied by the Report of the Inſpecting Officer, that theſe Regulations have been complied with, he ſhall counterſign the Ship's Port Clearance as the Authority for her Departure, as far as regards his Department.

" 20. An immediate Report to be made by the Superintendant of Marine of any Foreign Ship which may ſail from the Harbour without the regular Port Clearance; and the Cruizer in the Mouth of the Harbour, upon an agreed Signal from the Light houſe, is as far as poſſible to prevent any ſuch Ship from leaving the Harbour without a Pilot.

" 21. The Officer in command of the Veſſel ſtationed at the Mouth of the Harbour ſhall ſend one of his Guard Boats, with an intelligent Perſon, to inſpect all Dows, Pangeys, or other Veſſels of that Deſcription coming into this Harbour, which Perſon ſhall inquire of the Naquedah or Craney what Paſſengers, or if any

Europeans

Europeans whatever be on board, and ſhall carefully examine ſuch Veſſel, and if ſatisfied that no improper or ſuſpicious Paſſenger or other Perſon is concealed therein, ſhall allow ſuch Veſſel to proceed up the Harbour; but otherwiſe, ſhall detain her until a Report can be made to the Superintendant of Marine, who will thereon act as he may deem neceſſary, reporting his Proceedings to the Governor, and acting thereon as the latter ſhall direct.

" 22. No European, Foreigner, or even Britiſh Subject ſhall on any Account be diſcharged from any Ship under Engliſh Colours without the Permiſſion of the Superintendant of Marine; and when that Permiſſion has been granted, the diſcharged Man is to be ſent to the Office of Police in order to have his Name regiſtered there, and a proper Paſſport granted to him as in the Caſe of the Seamen of Foreign Ships.

" 23. All Merchant Ships, whether Engliſh or Foreigners, without Diſtinction, ſhall on their Arrival deliver in correct Liſts of their Ship's Companies, and of all other Perſons who ſhall be on board, to the Inſpector of the Port, who is to re-examine ſuch Liſts on the Departure of theſe Ships reſpectively, and to report to the Superintendant of Police how many of the European Part of ſuch Crew do re-embark, and what has become of the Remainder; which Returns are to be regularly ſubmitted by the laſt-mentioned Superintendant to the Governor; who, after being ſatisfied thereon, is to direct the Superintendant of Police to write to the Cuſtom Maſter accordingly, till which the Veſſel's Port Clearance is not to be granted; the Object of this Regulation being to prevent Foreign or Britiſh Subjects improperly remaining on ſhore behind the Ship that brought them, which, beſides other Inconveniencies, has frequently entailed undue Expence on Government.

" 24. Europeans not in the Service of His Majeſty or the Honourable Company landing from the Mahrattah Country, at any of the Bunders under the Cuſtom Maſters of Bombay, Mahim, Salſette, or Caranja, are to be detained at the Cuſtom-houſe until a Report can be made to the Governor of the Name, Nation, Profeſſion and Reaſon of the Party for viſiting this Iſland, unleſs ſuch European ſhall be furniſhed with a Paſs from the Honourable the Governor, the Reſident at Poona or Hydrabad, or ſome Perſon authorized to give ſuch Paſs, in which Caſe he is to be ſent to the Office of Police, where his Name is to be regiſtered.

" 25. Nor is any European of the foregoing Deſcription to be allowed to go off at any of the ſaid Bunders without a Paſs regularly granted by the Local Authorities, who now are or may be hereafter authorized by Government to iſſue them.

" Publiſhed by Order of the Governor in Council.

" Bombay Caſtle, 16th July 1799. (Signed) R. RICKARDS, Secy. to Govt."

The Board approving of the above Regulations, ordered that they be immediately printed, and Copies tranſmitted to the Superintendant of Marine, Superintendant of Police, Cuſtom Maſter, Chiefs of Mahim and Salſette, for their reſpective Information and Guidance.

Reſolved, That the Maſter Attendant for the Time being be alſo appointed to hold the Office, and execute the Duty of Inſpector of the Port; and that the Superintendant of Marine, in Conjunction with this Officer, be required to conſider and Report to Government the additional Eſtabliſhment that will be unavoidably neceſſary to give due Effect to the Regulations now adopted.

That theſe Regulations may be rendered equally applicable to local Circumſtances in Malabar, and to the Settlement of Surat, the Secretary is directed to modify ſuch of the above Articles as ſhall be found to require it, ſo as that the Purpoſes and Views which have led to their Introduction at the Preſidency may be as effectually obtained at both of thoſe Subordinates; which Modifications he will ſubmit to the final Confirmation of Government previous to the ſaid Rules being tranſmitted to either of the above-mentioned Quarters.

The Secretary is alſo directed to prepare the Draft of a Letter on the above Subject to the Governor General, in Reply to theirs of the 9th May laſt, giving Cover to a Copy of the amended Regulations this Day recorded, and ſubmitting for his Lordſhip's Deciſion the Queſtion propoſed by the Committee in the latter Part of their Letter to us of the 3d Inſtant.

EXTRACT BOMBAY PUBLIC CONSULTATIONS, 23d July 1799.

The Secretary delivers in a Draft of modified Regulations for the Uſe of the Province of Malabar, and the Guidance of the Adminiſtration there, in the Reſtrictions required to be laid on the landing of all Foreigners within the Limits of the Company's Indian Poſſeſſions, purſuant to the Orders to this Effect recorded in the Minutes of Council of the 16th Inſtant.

"Whereas it is expedient to prevent Foreigners of every Deſcription from landing within the Limits of the Company's Poſſeſſions on the Coaſt of Malabar without Permiſſion, the following Rules are enacted for this Purpoſe, and for the better Regulation of the Police of the different Ports:

"I. No Perſon whatever to be permitted to diſembark from any Foreign Veſſel, until ſuch Veſſel ſhall have been inſpected by the proper Officer, and regular Permiſſion in conſequence obtained.

"II. For this Purpoſe, official Notice, (according to the annexed Form), under the Signature of the Secretary to the Commiſſioners, is to be diſpatched to all Foreign Veſſels, on their Approach to the Roads of Calicut, informing their Commanders of the foregoing Reſolution, and requiring them to prepare Liſts of their Paſſengers and Ships Companies, for Delivery to the Inſpecting Officer; which Liſts ſhall, if required, be authenticated by the Affidavit of the Commander and Senior Officer of each Veſſel reſpectively.

"FORM.

"Sir,

"1ſt. You are hereby informed of the Reſolution of the Governor in Council in Bombay, that no Perſon will be permitted to land from your Veſſel, until ſhe ſhall have been duly inſpected by an Officer appointed for this Purpoſe; you are therefore to prepare a Muſter Roll of your Ship's Company, and of the Paſſengers on board; which Roll, under the Signature of yourſelf and of your Chief Officer, ſhall be delivered to the Inſpecting Officer, and ſhall, if required, be atteſted on Oath before a Magiſtrate.

"2d. The Inſpecting Officer is authorized to examine your Crew and Paſſengers according to the Roll, which is to contain the Name of each Perſon on board, the Time of their Entry, the Time and Place of their embarking, their Country, and the Station or Character of each; to this Roll you are to add the Names of all Places at which your Veſſel may have touched during the Voyage.

"3d. Until you ſhall have complied with this Order you will not be permitted to have Communication with the Shore, and upon your landing you are to pay ſtrict Obedience to the printed Regulations which you will find at the Office of the Commiſſioners for the Adminiſtration of this Province, in Failure of which your Ship will not be admitted to any Entry at any Britiſh Port in India.

"III. Upon the Approach of any Foreign Veſſel towards the Roads of Calicut, a Boat is to be diſpatched from the Shore with the above Intimation, which ſhall be delivered by ſome intelligent Perſon deputed for the Purpoſe, and who is to require the ſaid Veſſel to anchor in a proper Station, until the Inſpecting Officer ſhall come on board and make the neceſſary Inquiries; and a Guard Boat is to remain alongſide of each Foreign Ship thus importing until removed by the proper Authority, and while there, to prevent any Boat whatever from either getting on board of her from the Shore, or from proceeding to the Shore from the Ship.

"IV. On the ſtrange Ship's anchoring as above, the Inſpecting Officer is to proceed on board, and to examine and muſter the Crew and Paſſengers, according to the Liſts which ſhall have been prepared under the Signature of the Commander and that of his Senior Officer.

"V. If on this Muſter, and ſuch further Examination as the Inſpecting Officer ſhall deem neceſſary, he ſhall not obſerve any ſuſpicious Perſons to be on board, he is to return to the Shore with his Report to the Preſident of the Commiſſion, enjoining the Guard Boat alongſide to exert its utmoſt Vigilance in preventing any Perſon from quitting the Ship or proceeding on board of her.

"VI. In

" VI. In caſe the Preſident of the Commiſſion be ſatisfied with the Report of the Inſpecting Officer, he ſhall authorize the Removal of the Guard Boat, and the neceſſary Communication with the Ship; if not, the Guard Boat is to remain as long as they may find Cauſe ſo to order it.

" VII. Upon the Guard Boat's being removed from alongſide the Foreign Ship importing, in the Manner ſpecified in the preceding Section, written Notice thereof is to be immediately tranſmitted to the Cuſtom Maſter, who is then to ſend the Boat on board, with ſuch Orders and under ſuch Regulations as relate to his Department.

" VIII. The Guard Boat is to report to the Inſpecting Officer any Violation of theſe Regulations which may be perſiſted in by any Perſon or Perſons, and detain ſuch Boat as he or they may be on board of, until he receives his Orders on the Subject.

" IX. The Captain or Supercargo of every Foreign Ship importing ſhall, immediately on their landing, deliver into the Police Office a Liſt of ſuch of the Officers and Crew as it is intended ſhall reſide on Shore during the Ship's Stay, when, if the Preſident of the Commiſſion ſee no Objection, the Police Officer ſhall thereon grant a Certificate of their being permitted to remain on Shore.

" X. The Captain or Supercargo ſhall further leave at the Police Office a Paper, with the Signatures of ſuch Officers of the Ship (not exceeding Three on board of each), whoſe Authority ſhall, when counterſigned by the Police Officer, be a ſufficient Paſs for ſuch of the Crew as may have Occaſion to be on Shore for a Time only, which Time is to be ſpecified in the Paſs.

" XI. All Seamen and others belonging to Foreign Ships, and ſuſpicious Perſons in general, not in Poſſeſſion of either a general or temporary Paſs as above, to be apprehended by the Police Officer, and kept in Cuſtody; the Captain or Supercargo of the Ship being charged with all Expences attending their Seizure and Detention.

" XII. A Regiſter to be kept in Numerical Order in the Police Office, of all Paſſes granted, for the Purpoſe of Reference.

" XIII. Orders to be iſſued at the Stations of all Military Guards, to prevent Foreign European Seamen from paſſing or landing, who ſhall be unprovided with a Paſs counterſigned by the Police Officer.

" XIV. If at any Time the Police Officer ſhall ſee Cauſe to ſuſpect Perſons thus landed of improper Intentions, he is to apprehend and detain the ſame, and make Report thereof to the Preſident of the Commiſſion.

" XV. No Commander of a Foreign Ship ſhall entertain on board any Perſon, either as a Part of his Crew or as a Paſſenger, without a Permit from the Preſident of the Commiſſion.

" XVI. When any Foreign Ship is about to depart, the Inſpecting Officer ſhall, previous to the Embarkation of the Commander, repair on board, and muſter and examine the Crew according to the Liſts furniſhed on her firſt Importation, and examine the Officers and Crew as to ſuch Caſualties as may have been reported during the Continuation of the Veſſel in Port, and require the Permit from the Preſident of the Commiſſion for ſhipping ſuch additional Men or Paſſengers as he may find on board.

" XVII. In Caſes which ſhall appear to require it, the Inſpecting Officer ſhall ſearch any Foreign Ships under ſuſpicious Circumſtances, and is upon all Occaſions of Suſpicion, even after his Inſpection ſhall have been completed, to ſtation a Guard Boat alongſide of every Foreign Veſſel, to prevent Communication with the Shore, until ſhe may ſail out of the Road.

" XVIII. After the Inſpecting Officer has made his final Muſter and Examination of any Foreign Ship about to depart, a Guard Boat is to be ſtationed alongſide of her, and no Perſon is to be allowed to go on board of her without a Paſs from the Preſident of the Commiſſion.

" XIX. An immediate Report to be made by the Commiſſioners, of any Foreign Ship which may ſail from the Roads of Calicut without a regular Port Clearance above ſpecified; at the ſame Time that the Commiſſioners are authorized to detain her by force, if the Means of doing it be within their Power.

" XX. No

" XX. No European Foreigner, or even Britiſh Subject, ſhall on any account be diſcharged from any Ship under Engliſh Colours without the Permiſſion of the Preſident of the Commiſſion; and when that Permiſſion has been granted, the diſcharged Man is to be ſent to the Office of Police, in order to have his Name regiſtered there, and a proper Paſſport granted to him as in the Caſe of the Seamen of Foreign Ships.

" XXI. All Merchant Ships, whether Engliſh or Foreign, without Diſtinction, ſhall on their Arrival deliver in correct Liſts of their Ships Companies to the Inſpector of the Port, who is to re-examine ſuch Liſts on the Departure of ſuch Ships reſpectively, and to report to the Preſident of the Commiſſion how many of the European Part of ſuch Crew do re-embark, and what has become of the Remainder; and if the Preſident of the Commiſſion be ſatisfied thereon, he is to inſtruct the Cuſtom Maſter accordingly, till which the Veſſel's Port Clearance is not to be granted; the Object of this Regulation being to prevent Foreign or Britiſh Subjects improperly remaining on ſhore behind the Ships that brought them, which beſides other Inconveniences frequently entailed undue Expence on Government.

" XXII. The Commiſſioners are to cauſe the ſeveral Proviſions in the preceding Sections of this Regulation to be carried into due and full Execution at the principal Sea Ports in Malabar, in the ſame Manner as at Calicut, the Place of their own Reſidence, by employing the Agency of the Senior Civil Servant at or neareſt each Port, in lieu of that of the Preſident of the Commiſſion, with which ſuch Civil Servant is to correſpond, and to be guided by all Orders he may thence receive reſpecting the Premiſes.

" XXIII. All Officers commanding Poſts in the Province of Malabar, are to take up and ſend in to the Civil Servants at the neareſt Station, for the Purpoſe of being forwarded on to the Commiſſioners, all Europeans not in the Service of His Majeſty or the Company, or not poſſeſſing a Licence or Paſſport, who ſhall be found within the Limits of their reſpective Commands.

" XXIV. Where ſuch Europeans ſhall prove to be Deſerters from the King's or Company's Troops, the Commiſſioners are to make them over to the Commanding Officer in the Province, on whom due Form reſpecting them will depend; but in all other Inſtances the Perſon ſo apprehended is to be detained in ſafe Cuſtody under the Commiſſioners Authority, until they ſhall have inquired into and reported on each Perſon's Caſe to Government and received its Orders, excepting only where the Commiſſion ſhall be of opinion that there is no juſt or ſufficient Cauſe for detaining the Party or Parties thus ſtopped or apprehended, whoſe Enlargement they are nevertheleſs to report, with their Reaſons for having authorized it.

" XXV. The Authority veſted by the preceding Section in Officers commanding Military Stations is extended to the Senior Civil Servant at the ſeveral Stations throughout the Province, it being underſtood, that when ſuch Servant's Reſidence is at any Military Poſt, the Power of apprehending all Perſons above deſcribed is, with the ſingle Exception in reſpect to Military Deſerters, to reſide altogether with the Civil Servant, to whom the Military Officer is, on Requiſition in Writing, to afford all ſuch neceſſary Aid as may appear requiſite."

The following Draft of a Letter, prepared to accompany the above Regulations, being alſo approved, is ordered to be diſpatched to the Commiſſioners:

" To John Spencer Eſq. Preſident, &c. Commiſſioners.

" Gentlemen,

" In purſuance of the Inſtructions with which you are furniſhed from the Political Department and late Committee of Government, in regard to Foreigners, and the Precautions under which they ought to be ſuffered to remain in India, or to travel through the Provinces under your Charge, we tranſmit a Draft of Regulations, which we deſire may be made as public as poſſible within the Limits of your Juriſdiction, and iſſued with the ſtricteſt Injunctions to the Superintendants and others under your Authority, to attend to the due Execution thereof in all applicable Caſes.

" We

" We are of opinion, and have accordingly provided in the 22d Section, that theſe Regulations will equally apply to all the principal Ports in Malabar as to that of Calicut, with the Alteration of the Name only, and ſubſtituting for the Authority of the Preſident of the Commiſſion that of the Chief Civil Servant at each Port reſpectively.

" The Inſpector of the Port ſhould in each be, where the Caſe will admit of it, the principal Marine Officers under your Authority; but where either of theſe are unable to act, you will of courſe nominate ſome other proper Perſon to execute the Duty, and as it is ſuppoſed that the Reſort of Foreign Ships to Malabar will be by no means frequent, we are led to hope that the Services thus preſcribed may be executed by means of the ordinary Boats on the Coaſt and the preſent Boat Maſters Eſtabliſhments, without the Neceſſity of incurring additional Expence.

" We deſire it alſo to be clearly underſtood and proclaimed, that no Foreign Ship or Veſſel, of whatever Deſcription, belonging to an European Merchant or Power, is to be allowed to have Communication with the Shore at any Port but where a Company's Civil Servant or Servants be ſtationed, with ſufficient Means to watch and controul the Conduct of the Officers and Crew during her Stay; and you will therefore be pleaſed to give Directions to the Cuſtom-houſe Officers or Daroghas ſtationed at the other Sea Ports along the Coaſt, to prevent all Intercourſe with Foreign Veſſels inadvertently touching at either, and to refer them to one or other of the principal Ports for what they may require.

" For the ſame Reaſons, we are of opinion that even Engliſh Merchantmen ſhould not, except under certain Limitations, be permitted to frequent all the Sea-port Towns of the Province indiſcriminately; but here again we are at a Loſs to give you preciſe Inſtructions, from not having before us your promiſed Plan for the Anchorage of Veſſels, and which we therefore again deſire to be ſpeedily furniſhed with.

" Under preſent Circumſtances, it is alſo highly neceſſary that all Dows, Dingeys, and other Veſſels frequenting the Ports of Malabar from the oppoſite Shores, ſhould be carefully watched, and more particularly on their firſt Arrival. It would be impracticable to carry the preſent Regulations into literal Effect with every Veſſel of this Deſcription; but we would recommend at leaſt, that the Crew of each ſhould be muſtered upon their Arrival and Departure, and the Native Cuſtom-houſe Officers and Darogas inſtructed, where Gentlemen do not preſide, to prevent the landing of any European whomſoever, if ſuch ſhould be found on board, ſending them on the contrary under a proper Guard to the neareſt Military or other Chief Station, where they will be proceeded with in the Manner already enjoined in former Inſtructions. From your local Situation, you are, however, the beſt Judges as to how far the Native Officers employed under you may be depended on for an Obſervance of any Part of the preſent Regulations; and we therefore willingly leave to you to furniſh them with ſuch particular written Orders as you ſhall deem beſt calculated to promote the Object in view, which is principally to guard againſt the Introduction of Emiſſaries or ill-diſpoſed Perſons into our territorial Indian Poſſeſſions, with Views hoſtile to the National Intereſts.

We are, Gentlemen,

" Bombay Caſtle,
23d July 1799.

Your moſt obedient Servant,
(Signed) J. DUNCAN, &c.
Council."

The Board deem it adviſable to defer their Orders on the Subject of theſe Regulations to the Chief and Council at Surat, until the Arrangements for the future Adminiſtration of the City and Settlement now under Reference to the Governor General ſhall have been finally decided on, the more eſpecially as no Prejudice or Inconvenience can ariſe from the Delay during the Continuance of the Monſoon.

The following Letter is alſo written to the Right Honourable the Governor General in Council:

My Lord,

In purſuance of the Deſire expreſſed in your Lordſhip's Letter of the 20th of May laſt, we proceeded immediately on its Receipt to frame Regulations to prevent the

the Entrance of European Foreigners of every Deſcription into the Company's Poſſeſſions on this Side of India; and we have the Honour to ſubmit to your Notice a printed Copy thereof, in the Enclofure No. 1. Theſe Regulations we have alſo modified in ſuch Manner as to render them equally applicable to local Circumſtances in Malabar, in order that the Purpoſes and Views which have led to their Introduction at this Preſidency may be as effectually attained within the Limits of that Province.

As however the Men of War of Foreign States, and particularly thoſe of Portugal, may probably object to conform to theſe Regulations, we have to ſolicit the Favour of your Lordſhip's Opinion, as to whether Ships of this Deſcription are to be exempted in any Degree from the Operation of the Regulations in queſtion.

We have the Honour to be,
My Lord,
Your Lordſhip's moſt obedient Servants,
(Signed) J. DUNCAN, &c. Council.

Bombay,
23d July 1799.

EXTRACT BOMBAY PUBLIC CONSULTATIONS,
26th July 1799.

Read the following Letter from the Malabar Commiſſioners:

Honourable Sir,

Under the 14th inſt. we had the Honour to receive a Letter from the Government of Fort St. George, with ſundry Enclofures, containing Regulations reſpecting Europeans travelling through the Honourable Company's Territories, as alſo in reſpect to Foreign Ships appearing on this Coaſt.

As the former have been publiſhed in the Madras Newſpapers, we have not judged it neceſſary to trouble you with the Papers relating thereto, but beg Leave to inform you, that we have iſſued the neceſſary Orders to the Superintendants and others towards carrying into Execution theſe Inſtructions.

With regard to the latter of theſe Regulations, and for a Model on which to form ſimilar ones, to be obſerved on this Coaſt, the Government of Fort St. George have furniſhed us with Copies of the ſeveral Orders iſſued by them for that Purpoſe: beſides that from the Seaſon of the Year their immediate Adoption into Practice is not called for, they appear to us ſo immediately blended and connected with thoſe Regulations reſpecting the Anchorage of Veſſels on this Coaſt, which we have had ſo long in charge by you to frame, that we ſhall defer tranſmitting this Document until we ſhall have been able to come to a Determination on the Recommendation of a Code of Regulations that ſhall include both Objects.

On this Subject we beg leave to ſtate to you that the principal Circumſtance that has ſo long procraſtinated the framing of thoſe Regulations, is the Communication of your Honourable Board's Sentiments that the defraying the total Charge of the preſent and Augmentation in the future Eſtabliſhment which our propoſed Regulations may render neceſſary from the Fees to be eſtabliſhed, is conſidered as an indiſpenſable Preliminary, and on this we have been unable to come to any definitive Judgment, but are rather inclined to ſuppoſe that no Impoſt laid on Veſſels anchoring and trading on this Coaſt, and ſuch as the Trade could bear, would provide a Fund ſufficient to defray the Charge above adverted to.

We have the Honour to be,
Honourable Sir,
Your moſt obedient humble Servants,
(Signed) J. SPENCER.
J. SMEE.

Calicut,
23d June 1799.

The Subject of this Letter ſeems to have been fully anticipated in our Inſtructions to the Commiſſioners, recorded in the Proceedings of laſt Council.

EXTRACT BOMBAY PUBLIC CONSULTATIONS,
30th July 1799.

Read the following Letter from the Superintendant of Marine and Maſter Attendant.

Honourable Sir,

In obedience to your Orders of the 24th inſtant, we have conſidered of the Eſtabliſhment of Boats and Men which will be unavoidably neceſſary to give Effect to the recently publiſhed Regulations reſpecting the Importation of Foreigners into this Port, and have the Honour to annex the Reſult of our united Opinions thereon, as the leaſt Eſtabliſhment which will anſwer the propoſed End, which if on Experiment found inſufficient may be afterwards increaſed.

1 Inſpector of Port, per Menſem,	- - -		
2 Aſſiſtants to Maſter Attendant to act as ſuch to Inſpector,			
1 Ditto additional,	- - - - -		
Three Boats' Crews, as follows, each			
1 Tindal, as at preſent,	- - -	10	30
11 Laſcars, as ditto, at	- - -	5	165
1 Native Writer for the Reports, at	- -		20

Excluſive of which a Detachment of One Non-commiſſioned Officer and Five Privates from the Marine Battalion for each Boat, to be held in readineſs at the Guard in the Marine Yard to embark in ſuch Numbers as the Inſpector of the Port may direct.

It will be neceſſary to add One more Bunder Boat to the preſent Eſtabliſhment, and to keep One of the Cruizers conſtantly ſtationed in the Mouth of the Harbour.

We have the Honour, &c.

Bombay, 27th July 1799. (Signed) CH. DUNDAS. ROBT. ANDERSON.

The Eſtabliſhment propoſed in the above Letter is approved, with the Addition of the following Salaries to the Officers to be employed, viz.

Inſpector of the Port	- -	400 Rs. per Menſem.
1ſt Aſſiſtant	- - -	100 Do.
2d Do.	- - - -	90 Do.
3d Do.	- - - -	60 Do.

The Commandant of the Marine Battalion is to be directed to hold in readineſs the required Detachment of Sepoys in the Manner and for the Purpoſe above recommended.

The additional Bunder Boat is alſo ordered to be built.

EXTRACT BOMBAY PUBLIC CONSULTATIONS,
the 7th Auguſt 1799.

The following Letters were, under the 5th Inſtant, written to the Commiſſioners and to the Commanding Officer in Malabar, the Commiſſioners at Cochin, the Reſident at Anjengo, the Chief and Council at Surat, and to the Right Honourable the Governor General in Council:

To John Spencer Eſq. Preſident &c. Commiſſioners.

Gentlemen,

1. We incloſe for your Information and Guidance Copies of a Regulation and accompanying Letter of Inſtructions to the Commiſſioners at Cochin, and of a Letter on the ſame Subject to the Reſident at Aurengo, and of one of this Date to the Commanding Officer in the Province, in Continuation of the Subject of

the

the Precautions which we have already directed to be taken, for preventing the Ingreſs of Foreigners on the Coaſt of Malabar, deſiring you in particular to adopt and act up to the Spirit of our Directions to the Commanding Officer of the Province, and to iſſue the requiſite Orders to all the Civil Servants under you, to grant Paſſports on Application in the Manner therein pointed out, and according to the preſcribed Form accompanying of which a ſufficient Number ſhall be forwarded to you in print by the firſt convenient Opportunity.

2. We incloſe Copy of our Advertiſement, which we direct you to make as public as poſſible throughout the Province, and which we mean to inſert in *The Courier* here for general Information.

We are, &c.

Bombay Caſtle,
5th Auguſt 1799.

(Signed) J. Duncan.
J. Brevett.
W. Page.

To Major General James Hartley, Commanding Officer in Malabar.

Sir,

We incloſe for your information Copies of the Regulations and Inſtructions which we have directed to be obſerved at the different Sea Ports in the Province of Malabar, at Cochin and Anjengo, in the View of preventing the Entrance of Foreign Europeans into the Company's Territories, and deſire that the ſeveral Officers under your Authority, commanding Garriſons or ſeparate Military Poſts, may be inſtructed to carry the Spirit and Intention of this Meaſure into Effect with the utmoſt Degree of Vigilance, Attention, and Deciſion, being warned at the ſame Time, that any Perſon that may be found to neglect any Part of this Regulation, or to connive at the Evaſion of theſe Orders, will incur our moſt ſerious Diſpleaſure.

2. We have ordered a ſufficient Number of printed Forms of Paſſports to be ſtruck off, which will be forwarded to you by the earlieſt Opportunity; and meanwhile they muſt be furniſhed as required in Writing, according to the encloſed Form.

3. Theſe Paſſports are to be granted to all European Travellers whomſoever, with an Exception only in favour of Officers commanding Parties of His Majeſty's or the Honourable Company's Troops.

4. All other Perſons about to travel. are accordingly required to take out a Paſſport from the Civil Authority of the Diſtrict where they may reſide, i. e. from the Preſident of the Commiſſion at Calicut, or the Superintendants of the Northern and Southern Diviſions of the Province, or the neareſt of their Aſſiſtants acting in the Capacities of Local Magiſtrates or Collectors, or the Commiſſioner at Cochin, or the Reſident at Anjengo, or in Places where there may be no Civil Servants of the above-mentioned Deſcriptions, from the Commanding Officer of the neareſt Garriſon, which Certificate ſhall be produced to the next Civil Servant or Commanding Officer, who are authorized to cancel it, if neceſſary, and to iſſue a freſh Paſſport.

We are, &c. &c.

Bombay Caſtle,
5th Auguſt 1799.

(Signed) J. Duncan.
J. Rivett.
W. Page.

To John Hope Oliphant Eſquire, Commiſſioner, Cochin.

Sir,

You will herewith receive a Regulation for preventing the unlicenſed Entry of European Foreigners into the Port of Cochin and its Dependencies, and for the better Adminiſtration of the Police of the Port, founded upon thoſe which the Government General has been pleaſed to eſtabliſh on the Coaſt of Coromandel.

2. The Duties of the Inſpecting Officer of the Port are to be diſcharged by the Aſſiſtant or officiating Maſter Attendant for the Time being; and you will take care that the Police Officer and Native Cuſtom Maſter act with Diſcretion and Propriety in the Diſcharge of the ſeveral Functions allotted to them by this Regulation,

lation, ſuperintending their Department yourſelf in all Caſes where it may be neceſſary.

3. You will communicate to the Commanding Officer at Cochin ſuch Parts of this Regulation as relate to his Military Charge.

4. No Europeans of whatever Rank, Deſcription, or Country (excepting Officers commanding Parties of His Majeſty's or the Honourable Company's Troops), are to be allowed to travel within or beyond the Limits of your Juriſdiction without a Paſs of the enclоſed Form, under your Signature, with a Malabar Tranſlation of the ſame annexed, of all which you are to keep a Regiſtry, which you will tranſmit monthly for the Information of Government.

We are, &c. &c.

Bombay Caſtle,
5th Auguſt 1799.

(Signed) J. DUNCAN.
J. RIVETT.
W. PAGE.

To Geo. Parry Eſquire, Reſident at Anjengo.

Sir,

We tranſmit for your Information and Guidance, Copy of a Letter this Day written to the Commiſſioner at Cochin, with Copy of the Regulation and Draft of Paſſports therein referred to, deſiring you to cauſe the Purport and Spirit of the former to be carried as fully as poſſible into Execution at the Port of Anjengo, and within the Limits of the Factory, from which all Europeans departing by Land or paſſing through your Limits as Travellers are to be furniſhed with your Paſſports, under the ſame Obſervance as to the keeping and tranſmitting a Regiſtry thereof as has been enjoined to the Commiſſioner at Cochin.

We are, Sir,

Your moſt obedient Servants,

Bombay Caſtle,
5th Auguſt 1799.

(Signed) J. DUNCAN, &c. Council.

To Daniel Seton Eſquire, Chief, and Council, Surat.

Gentlemen,

You will find in *The Courier* of the 2d Auguſt a correct Copy of the Regulations which we have lately adopted, for preventing the unlicenſed Ingreſs of Foreigners into India through the Channel of this Port; and it being very much our Deſire to eſtabliſh, by the Opening of the Seaſon, at Surat, equally effective Reſtrictions againſt Europeans of any Nation or Deſcription from penetrating through your Port into the interior Parts of India, you will accordingly loſe no Time in taking this Subject into your ſerious Conſideration, ſubmitting to us your Sentiments thereon, accompanied by the Draft of ſuch a Set of Rules as you may deem at once practicable and applicable at your Settlement, for preventing dangerous or intriguing Characters from ſettling in Surat, with a View thence to correſpond with the Native Powers of India, or to diſſeminate objectionable Doctrines in the City, to the Diſquiet of its Peace, and the Diſturbance of public Order. Beſides which, your Chief is to make ſuch an immediate Arrangement with Meer Naſeeruddein as may prevent any European whatſoever from paſſing beyond the Limits of Surat in any Direction, inland or coaſtwiſe, as a Traveller, without a Paſs, to be iſſued according to the enclоſed Form in Engliſh and Perſian; and to be ſigned by Mr. Seton in his ſole Character of Engliſh Chief when granted to Britiſh Subjects, none of whom are to be allowed to paſs by Land without it; and as Governor of the Mogul's Caſtle, jointly with the ſuperior Native Authority in the City for the Time being, when granted to Europeans of any other Nation. But Paſſports of this laſt Deſcription are never to be iſſued except to Portugueſe Subjects travelling to Deman or Bombay, without the ſpecial Sanction firſt had and obtained of the Governor, to whom in ſuch Caſes the Chief is to apply.

2. In preventing Foreign Europeans from paſſing beyond the Limits of Surat, the ſuperior Native Authority is alone to act, ſupported by you through the Chief, on formal written Application to be ſeaſonably made for the purpoſe, which will prevent the Britiſh Intereſts being embarraſſed by direct Applications from the

Parties thus detained by your Authority, or that of the Chief, who muſt in ſuch Caſe decline all immediate official Interference in the Manner ſo long practiſed in Diſputes with Foreigners at Surat.

3. You will alſo report to us your Opinion whether the Reſident at Cambay may not unexceptionably exerciſe the ſame Authority, as far as regards the granting of Paſſports ſeparately from or jointly with the Nabob of that Diſtrict, to a like Extent as now entruſted to the Chief of Surat, Information of the grand Object of excluding Foreigners, as well as unlicenſed Britiſh Subjects, from the interior Parts of India, without the expreſs Authority and Approbation of the Britiſh Governments.

We are, &c. &c.

Bombay Caſtle,
5th Aug. 1799.

(Signed) J. DUNCAN, &c.
Council.

My Lord,

Having made further Progreſs in framing Regulations for reſtricting the Ingreſs of Foreigners into India through the Ports and Territories belonging to the Honourable Company under this Preſidency, we have now the Honour to ſubmit the Copies of Letters and Accompaniments written under this Date to the Commanding Officer and Commiſſioners in the Province of Malabar, the Commiſſioner at Cochin, and Reſident at Anjengo, as alſo to the Chief and Council at Surat, preparatory to the expected Receipt of your Lordſhip's Inſtructions relative to the pending Negotiation in that Quarter; and we have alſo iſſued a Proclamation ſimilar to that of your Lordſhip's under the 25th of May.

We have the Honour to be, &c. &c.

Bombay Caſtle,
5th Aug. 1799.

(Signed) JOHN DUNCAN, &c.
Council.

The following Drafts of the Regulations adverted to in the above Letters, and of the Government Advertiſement, ordered to be publiſhed in the next *Courier*:

" REGULATION for preventing the unlicenſed Entry of Foreigners of every Deſcription into the Port of Cochin and its Dependencies, and for the better Adminiſtration of the Police of the Port:

" Whereas it is expedient to prevent Foreigners of every Deſcription from landing at Cochin or its Dependencies, without Permiſſion, the following Rules are enacted for this Purpoſe, and for the better Regulation of the Police of the Port.

" I. No Perſon whatever to be permitted to diſembark from any Foreign Veſſel until ſuch Veſſel ſhall have been inſpected by the proper Officer, and regular Permiſſion in conſequence obtained.

" II. For this Purpoſe official Notice (according to the annexed Form) under the Signature of the Commiſſioner is to be diſpatched to all Foreign Veſſels on their Approach to the Roads.

" FORM (viz.)

" Sir,

" You are hereby informed of the Reſolution of the Governor in Council of Bombay, that no Perſon will be permitted to land from your Veſſel, until ſhe ſhall have been duly inſpected by an Officer appointed for this Purpoſe; you are therefore to prepare a Muſter Roll of your Ship's Company, and of the Paſſengers on board, which Roll, under the Signature of yourſelf and your Chief Officer, ſhall be delivered to the Inſpecting Officer, and ſhall, if required, be atteſted on Oath.

" 2. The Inſpecting Officer is authorized to examine your Crew and Paſſengers according to the Roll, which is to contain the Names of every Perſon on board, the Time of their Entry, the Time and Place of their embarking, their Country, and the Station and Character of each. To this Roll you are to add the Names of all Places at which your Veſſel may have touched during the Voyage.

" 3. Until you ſhall have complied with this Order, you will not be permitted to have Communication with the Shore; and upon your landing you are to

pay

pay ſtrict Obedience to the Regulations of the Port and Settlement of Cochin; in failure of which, your Ship will not be permitted to enter any Britiſh Port in India."

"III. The above intimation is to be conveyed on board the Foreign Veſſel through the officiating Maſter Attendant of the Port, who is to require the ſaid Veſſel to anchor in a proper Station, until the Inſpecting Officer ſhall come on board, and make the neceſſary Inquiries; and meanwhile no private Boat is to be allowed to approach her, or other Channel of Communication to be admitted of between ſuch Ship and the Shore.

"IV. On the ſtrange Ship anchoring as above, the Inſpecting Officer is to proceed on board, and to examine and muſter the Crew and Paſſengers, according to the Liſts which ſhall have been prepared under the Signatures of the Commander and Senior Officer.

"V. If on this Muſter, and ſuch further Examination as the Inſpecting Officer ſhall deem neceſſary, he ſhall not obſerve any ſuſpicious Perſon to be on board, he is to return to the Shore with his Report to the Commiſſioner, taking Care in the meanwhile to prevent any Perſon from quitting or proceeding on board of the Ship in queſtion.

"VI. In caſe the Commiſſioner be ſatisfied with the Report of the Inſpecting Officer, he ſhall authorize the opening of the Communication between the Ship and the Shore, whereupon Notice is to be immediately tranſmitted to the Cuſtom Maſter, who is then to ſend his Boat on board, with ſuch Orders, and under ſuch Regulations as relate to his Department.

"VII. The Captain or Supercargo of every foreign Ship importing ſhall, immediately on his landing, deliver into the Police Office a Liſt of ſuch of the Officers and Crew as it is intended ſhall reſide on Shore during the Ship's Stay, when, if the Commiſſioner ſee no Objection, the Police Officer ſhall thereon grant a Certificate of their being permitted to remain on Shore.

"VIII. The Captain or Supercargo ſhall further leave at the Police Office a Paper, with the Signatures of ſuch Officers of the Ship, (not exceeding Three on board of each), whoſe Authority ſhall, when counterſigned by the Police Officer, be a ſufficient Warrant for ſuch of the Crew as may have Occaſion to be on Shore for a Time only, which Time is to be ſpecified in the Permit.

"IX. All Seamen and others belonging to Foreign Ships, and ſuſpicious Perſons in general, not in poſſeſſion of either a general or temporary Paſs as above, are to be apprehended by the Police Officer, and kept in Cuſtody, the Captain or Supercargo of the Ship being charged with all Expences attending their Seizure and Detention.

"X. A Regiſter of all Paſſes granted under this Regulation is to be kept in the Police Office, in correſponding numerical Order, for the Purpoſe of Reference.

"XI. Orders are to be iſſued at the Stations of all Military Guards, to prevent the paſſing or landing of all Foreign European Seamen, who ſhall be unprovided with a Paſs counterſigned by the Police Officer.

"XII. If at any Time the Police Officer ſhall ſee Cauſe to ſuſpect Perſons, thus landed, of improper Intentions, he is to apprehend and detain the ſame, and make Report accordingly to the Commiſſioner.

"XIII. No Commander of a foreign Ship ſhall receive or entertain on board any Perſon from the Shore, either as a Part of his Crew or as a Paſſenger, without a Permit from the Commiſſioner.

"XIV. When any Foreign Ship is about to depart, the Inſpecting Officer ſhall, previous to the Embarkation of her Commander, repair on board, and muſter and examine the Crew, according to the Liſts furniſhed on her firſt Importation, and aſcertain the Coincidence between the reported Caſualties and preſent State, and require from the Commander the Commiſſioner's Permit for all ſuch additional Men or Paſſengers as may on this Scrutiny be found on board.

"XV. In Caſes which ſhall require it, the Inſpecting Officer ſhall, beſides the appointed Examinations hereby ſpecifically ordered, ſearch any Foreign Ships under ſuſpicious Circumſtances, and report the Reſult to the Commiſſioner for his Orders, who is thereon to proceed according to the Letter and Spirit of the Rules herein laid down.

"XVI. After

" XVI. After the Inſpecting Officer has made his final Muſter, no Perſon is to be allowed to quit or go on board of the departing Ship without a Paſs from the Commiſſioner.

" XVII. An immediate Report is to be made to the Commiſſioner, of any Foreign Ship which may attempt to ſail from the Roads without the regular Port Clearance; at the ſame Time that he is authorized to detain her by Force, ſhould Force be requiſite, and the Means of effecting it within his Power.

" XVIII. No European Foreigner, or even Britiſh Subject, ſhall on any Account be diſcharged from any Ship under Engliſh Colours, without Leave from the Commiſſioners; and when that Permiſſion has been granted, the diſcharged Man is to be ſent to the Office of Police, where his Name is to be regiſtered, and a proper Paſſport granted him, as in the Caſe of Seamen of Foreign Ships.

" XIX. All Merchant Ships, whether Engliſh or Foreign, without Diſtinction, ſhall on their Arrival deliver in correct Liſts of their Ship's Company to the Inſpector of the Port, who is to examine ſuch Liſts on the Departure of ſuch Ships reſpectively, and to report to the Commiſſioner the State of the European Part of the Crew, with ſuch Caſualties as may have occurred, with which if the Commiſſioner be ſatisfied he is to inſtruct the Cuſtom Maſter accordingly, till which the Veſſel's Port Clearance is not to be granted. The Object of this Regulation being to prevent Foreign or Britiſh Subjects improperly remaining on Shore behind the Ships that brought them, which, beſides other Inconveniences, is calculated to entail undue Expence on Government.

" XX. Officers commanding Poſts within the Limits of the Company's Poſſeſſions at Cochin, are to take up and ſend to the Commiſſioner all Europeans not in the Service of the King or Company, or not poſſeſſing a Licence or Paſſport, who ſhall be found within the Limits of their reſpective Commands.

" XXI. Where ſuch Europeans ſhall prove to be Deſerters from the King's or Company's Troops, the Commiſſioner is to make them over to the Commanding Officer of the Fort, on whom the Deciſion reſpecting them will depend; but in all other Inſtances the Perſon ſo apprehended is to be detained in ſafe Cuſtody under the Commiſſioner's Authority until he ſhall have inquired into the Caſe and made his Report to Government, excepting only where the Commiſſioner ſhall be of opinion that there is no juſt or ſufficient Cauſe for detaining the Party thus ſtopped or apprehended; in which Caſe he is authorized to enlarge him, recording his Reaſons in his Diary, and aſſigning them likewiſe to Government in ſuch ſpecial Caſes as may require it.

" XXII. The Commiſſioner will cauſe the ſeveral Proviſions in the preceding Section of this Code of Regulations to be carried into due and full Execution at all Sea-ports and Military Stations ſubordinate to Cochin, with ſuch local Modifications as Circumſtances may require.

" Bombay Caſtle,
5th Auguſt 1799."

" GOVERNMENT ADVERTISEMENT.

" Notice is hereby given, That from and after the Date hereof no European Perſon, of whatever Rank, Deſcription, or Country, will be permitted to travel through the Company's Dominions ſubject to this Preſidency or the Province of Malabar, unleſs he ſhall be regularly furniſhed with Paſſports for that Purpoſe.

" The only Exception which the Honourable the Governor in Council has been pleaſed to make to the foregoing Reſolutions is in favour of Officers commanding Parties of His Majeſty's or the Honourable Company's Troops.

" All Perſons about to travel are accordingly required to take out a Paſſport from the Head Civil Servant of the Diſtrict in which they may reſide, i. e. from the Preſident of the Commiſſion at Calicut, the Superintendants of the Northern or Southern Diviſions of the Province of Malabar, or the neareſt of their Aſſiſtants, acting in the Capacity of local Magiſtrates or Collectors, the Commiſſioner at Cochin, and the Reſident at Anjengo, or in Places where there may be no Civil Servant, from the Commanding Officer of the neareſt Garriſon; which Certificate or Paſſport ſhall be produced to the next Civil Servant or Commanding Officer, who are authorized to cancel it, and if neceſſary to iſſue a freſh Paſſport.

" And

"And European Perſons of all Deſcriptions are hereby warned, That whoever ſhall be found travelling without a Paſſport will be taken up and confined until a Report of his Caſe can be made to the Commiſſioners at Calicut.

"Notice is hereby given, That a Reward of 25 Rupees will be paid to any Perſon who ſhall take up and bring into the neareſt Civil Station or Garriſon any European Deſerter or Vagrants of any Deſcription, which Reward the Local competent Authority is hereby required to pay.

"By Order of the Honourable the Governor and Council.

"Bombay, 5th Auguſt 1799. (Signed) "R. RICKARDS, "Secy to Govt."

Read the following Letter from the Superintendant of Police.

Honourable Sir,

This Day I have been favoured with a Copy of the Government Advertiſement for my Information and Guidance, reſpecting the preventing Foreigners from landing, &c. at the Preſidency without the Permiſſion from the Government.

As theſe Regulations will much increaſe the Buſineſs in the Police Office, (already very conſiderable,) I beg leave to ſubmit to the Honourable Board the encloſed Statement of an additional Eſtabliſhment abſolutely neceſſary to carry the above Regulations into Effect.

I have the Honour to be, &c. &c.

Police Office, 5th Auguſt 1799. (Signed) S. HALLIDAY, Sup^t. of Police.

A Liſt of additional Conſtables, &c. neceſſary to be employed in the Police Office, from the Regulations lately adopted by Government to prevent Foreigners, &c. from landing at the Preſidency without Permiſſion.

3 European Conſtables, at 40 per M. - -	120
A Purvee and Stationary, 20 - - - -	20
	140

N. B. A proper Place to confine every European it may be neceſſary to apprehend.

I humbly ſubmit, for the Conſideration of the Honourable Board, that the Godowns under the Old Mayor's Court Houſe may, with very little Expence, be appropriated to that Purpoſe.

(Signed) S HALLIDAY, Sup. of Police.

The additional Eſtabliſhment applied for by Mr. Halliday is ſanctioned, and the Civil Architect will report at what Expence the Godowns under the Court Houſe may be converted into a Place of Confinement for Europeans as above prepared.

EXTRACT BOMBAY PUBLIC CONSULTATIONS,
30th Auguſt 1799.

Read the following Letter, with Encloſure, from the Civil Architect:

Honourable Sir,

The attending Paper is an Eſtimate of the probable Expence which will be incurred by executing the Inſtructions of the Superintendant of Police, for converting ſome Godowns under the Old Court Houſe into a Place of Confinement for Europeans, together with the requiſite Additions for ſecuring the Entrance of the Court Yard.

I have the Honour to be,
Honourable Sir,
Your moſt obedient Servant,

Bombay, 30th Auguſt 1799. (Signed) W. BROOKES, Acting Civil Architect.

An Eſtimate of the probable Expence which will be incurred by converting certain Godowns under the Old Court Houſe into a Place of Confinement for Europeans, for raiſing the Walls at the Entrance of the Court Yard, and making a new Gate, in conformity with Inſtructions by the Superintendant of Police.

Bombay, 30th Auguſt 1799.

10¾ Braſs of Maſonry, at 20 per Braſs			Rs. 215 — —
Making a new Gate, 10 Feet high and 8 broad:			
5½ Baſſein Timbers, each of 1 Guze, is 5½ Guze, at 10 per Guze	55 — —		
14¾ Maund Iron Works, 7 per Maund	103 1 —		
3 Iron Padlocks, 1 each	3 — —		
	161 1 —		
Carpenters	40 — —		
Sawyers	5 1 —		
Labourers	10 — —		
Hire	1 2 —		
	56 3 —		
			218 — —
Godown No. 1.			
1 Door complete, with Frames, &c. 7½ Feet high and 5½ broad	52 2 —		
2 Windows, complete, with Iron Bars, &c. each 7 Feet high and 3 broad	111 2 36		
Making Wooden Railing for 6 Arches, each of 9½ broad and 5 high, and 3 Doors in it	410 1 —		
Making 2 Partitions, each 13½ Feet high, 10 broad	173 1 —		
			747 2 36
Godown No. 2.			
2 Windows, complete, with Iron Bars, &c.	446 1 64		
2 Doors, complete, with Frames, &c.	90 — —		
			536 1 44
Sea-ſide Gate, 8 Feet high, 9 broad.			
3½ Baſſein Timbers, each of 1 Guze	35 — —		
2 Pair Iron Garnet Hinges	3 — —		
10 Pound Europe Nails	2 57 —		
	40 57 —		
Carpenters	19 2 —		
Sawyers	7 — —		
Labourers	4 2 —		
Hire	31 3 50		
	31 3 50		
			72 0 7
		Rupees	1,788 3 87

(E. E.) (Signed) W. Brookes,
A. C. A.

The Alterations above pointed out are authorized as being neceſſary to enable the Superintendant of Police to carry into Execution his Part of the Duty required by the Regulations lately paſſed for the Port here.

Extract Public Letter from Bombay, dated 1ſt September 1799.

Para. 4. In purſuance of a Recommendation to this Effect from the Governor General at Fort St. George, we have lately inſtituted certain Port Regulations, as well

well for this Prefidency as its feveral Subordinates, of which we have the Honour to fubmit Drafts for your Honourable Court's Perufal and Conſideration. They are, as will be perceived, calculated to check the Entrance of Foreigners into the Interior Parts of India, and of the National Enemies into any of the Company's Settlements or Poſſeſſions, with Views of a hoſtile or prejudicial Tendency, and to guard againſt ill Effects of their apprehended Intrigues. Our Regulations are modified upon thoſe adopted for the Prefidency of Fort St. George; and, as to give them due Effect, an additional Eſtabliſhment of Officers, Servants, and Boats, has proved neceſſary, we beg leave to lay before you (in No. 3.) the Copy of a joint Letter from the Superintendant of Marine and Maſter Attendant, who is now alſo Inſpector of the Port, and of Two others from the Superintendant of Police and Civil Architect, whoſe ſeveral Recommendations, as therein contained, we have for the preſent ſanctioned, with the Addition of the following Salaries to Superior Officers employed, hoping that they may meet the Approbation of your Honourable Court, viz.

Inſpector of the Port,	-	-	-	Rupees	400	per Menſem.
1ſt Aſſiſtant	-	-	-	-	100	Do.
2d Do.	-	-	-	-	90	Do.
3d Do.	-	-	-	-	60	Do.

Extract Public Letter to Bombay, dated 28th Auguſt 1800.

Letter from, 1ſt September 1799. (4.) New Port Regulations.

Para. 141. We approve of the Regulations which at the Recommendation of the Governor General in Council have been framed by you for preventing the Entrance of European Foreigners into India through the Ports and Territories belonging to the Company under your Prefidency, and of the additional Eſtabliſhment for carrying the ſame into Execution.

Extract Public Letter to Bombay, dated 26th Auguſt 1801.

Para. 2. Having been informed that the Country Ships engaged by our ſeveral Prefidencies in India to bring Goods on Freight for Individuals, (particularly the Cornwallis and Porcher), have on their Return Voyage taken Paſſengers without our Permiſſion for that Purpoſe, and as this Practice is an expreſs Breach of the Covenants in their reſpective Charter-parties, we direct that a ſtrict Examination be made on the Return of all Ships of the above Deſcription whether any Paſſengers have proceeded to India without our Licence; and ſhould any Perſon appear to have been taken on board without our Permiſſion, the Penalties incurred by this Breach of Covenants muſt be ſtrictly enforced, and the Parties who are taken out in this Manner, are not on any Pretence whatever to be allowed to remain in India, but muſt be ſent to England by the earlieſt Opportunity.

Extract of Public Letter from Bombay, dated the 30th June 1802.

Letter to, 26th Auguſt 1801. (2.) Country Ships conveying Paſſengers to India without Permiſſion in breach of Charter-party, with Orders thereon.

4. Having determined to adopt the Rule laid down in this Paragraph in all Caſes of Country Ships returning to India, it was applied in the firſt Inſtance, as per Proceedings quoted in the Margin, to the Ships Scaleby Caſtle, Upton Caſtle, and Carron; from whence it will appear, that the Paſſengers by the former had all the Permiſſion of your Honourable Court to proceed to India. The ſame may be inferred of the Paſſengers by the Upton, although the Vouchers for this Permiſſion are not ſo regular as in the former Inſtance, from the Commander not knowing, as he alledges, that he would be called upon here to produce them. Indeed, the only doubtful Caſe may be ſaid to be that of Miſs Blackall, whom, for the Reaſons recorded on our Proceedings, we have permitted to remain in the Country, until your Honourable Court's Pleaſure be known, while Captain Pavin, the Commander, was at the ſame Time ſeriouſly admoniſhed againſt receiving Paſſengers in future on board his Ship without proper Authority.

Pub. Conſ. 12th Feb. 23d Ditto. 25th June.

Pub. Conſ. 28th Feb.

6. It

6. It is alſo made a ſtanding Rule for the Commanders of Country Ships, on their Return from England to India, to ſend in official Notification of their Arrival, Liſts of their Crews, with the Caſualties or Additions that have taken place during the Voyage, and alſo to deliver in for Record a Journal of their Proceedings for the ſame Period.

Extract Public Letter to Bombay, dated 6th October 1802.

Para. 11. No Perſon ſhall be allowed to proceed from England in the Station of Commander or Mate of any Indian-built Ships, which ſhall have been allowed to bring Cargoes to this Country on account of Individuals, who has not previouſly obtained in England Free Mariners Indentures.

Extract Public Letter to Bombay, dated 27th June 1804.

Para. 2. It being eſſentially neceſſary that proper Security Bonds ſhould be given for the Performance of all Covenants entered into by the Company's Servants, or other Perſons reſiding in India with our Permiſſion, we direct, that whenever ſuch Covenants ſhall be executed at your Preſidency, you require the Parties executing the ſame, to deliver to your Secretary, in Writing, the Names and Deſcription of proper Perſons in this Country, (not in the Company's Service), to whom Application may be made for the Purpoſe of ſigning the neceſſary Security Bond; and we muſt be adviſed thereof by the next Conveyance.

3. When Applications are made to us from Perſons wiſhing to return to India, who, although not in the Company's Service, have reſided there under Licence, it becomes highly neceſſary that we ſhould have the Means of knowing how far the Parties may have conducted themſelves with Propriety.

4. We therefore direct, that you give public Notice that no Perſons of that Deſcription quitting India will in future be permitted to return thither, unleſs they ſhall produce a Certificate from the Government under whoſe Protection they have reſided, that their Conduct has been ſuch as to give them a Claim to the Indulgence of having their Licences renewed.

Extract Public Letter to Bombay, dated 22d Auguſt 1804.

Para. 13. In the 48th Paragraph of our ſeparate Commercial Letter to Bengal, dated 16th June 1802, Copy of which was tranſmitted to your Preſidency, we directed, that Liſts of Perſons not in the Company's Service, licenſed to reſide in India, ſhould be annually tranſmitted home; but as this Order has not been complied with, we now repeat the ſame, and enjoin your ſtrict Obſervance thereof.

Extract Public Letter from Bombay, dated the 31ſt May 1805.

Letter to, dated 22d Auguſt 1804. Para. 13. Order for Liſts of Perſons not in the Company's Service licenſed to reſide in India, being annually ſent home, repeated.

Para. 12. Copy of this Paragraph has been ſent to the Superintendant of Police, with Orders to attend punctually to the Liſts required by your Honourable Court being delivered in, in conformity to the Inſtructions of your Honourable Court.

Extract Public Letter to Bombay, dated 26th February 1808.

Para. 5. We encloſe a Number in the Packet for your Information and Guidance, Copy of our Orders to the Governor General in Council, dated the 4th February 1807, relative to unlicenſed Perſons not being permitted to reſide in India; and we direct that you pay the moſt particular Regard to the Directions therein contained.

Extract

Extract of Public Letter to Bombay, dated the 21ſt April 1809.

2. We have directed our Commanders, that immediately on the Diſcovery of any of their Officers or Midſhipmen having quitted their Ships without the Authority of the Government, they will make Application to the Police for their Apprehenſion, and alſo report them by Letter to the Governor in Council, in order that they may be ſecured and returned to Europe; you will therefore adopt ſuch Meaſures as ſhall enſure the early Return to this Country of all Perſons who may have quitted their Ships without Permiſſion.

Extract of Public Letter from Bombay, dated 31ſt January 1810.

Letter to, 21ſt April 1809. (2.) Meaſures to be adopted for returning Midſhipmen to England running from Ships.

36. The Communications contained in this Paragraph do not require any particular Reply beyond an Aſſurance, that your Honourable Court's ſeveral Inſtructions will be ſtrictly attended to.

Extract Public Letter from Bombay, dated the 4th April 1811.

Para. 84. The Conqueſt of Bourbon having led to a Variety of Applications from Europeans licenſed to proceed to India to repair to this Iſland, we deemed it proper to eſtabliſh it as a general Rule, that all ſuch Perſons be ſubject to be ſent away whenever the Britiſh Local Government may think fit, either to India or to Great Britain, at its Option, with a View of guarding againſt any prejudicial Effects reſulting from a Practice, which in other Reſpects it ſeemed adviſeable not to diſcourage, as theſe Adventurers promoted the important Object of throwing Supplies into the Iſland, of which it ſtood much in need.

Extract Public Letter to Prince of Wales Iſland, dated 18th April 1805.

Para. 39. We refer you to the 129th and following Sections of the Act of the 33d of His preſent Majeſty, relative to Ships and unlicenſed Perſons trading within the Company's Limits, and relative to unlicenſed Perſons themſelves found within thoſe Limits. The 132d Clauſe provides for the Manner in which ſuch Perſons are to be treated, and the 133d Clauſe virtually inveſts the Governor of Prince of Wales Iſland with the ſame Authority over ſuch Perſons as is veſted in the Governor General of Fort William, in the Governor of Fort St. George, and in the Governor of Bombay. In order to prevent the Iſland from being a Receptacle for European Adventurers, we direct that none be allowed to ſettle upon the Iſland (except ſuch as ſhall have received our previous Licence to remain in India) without the Permiſſion of your Government, which Permiſſion ſhall be ſubject to our Confirmation; and we direct that you ſend us regular Information of the Perſons to whom you grant ſuch Permiſſion. We encloſe you Copy of the uſual Covenants entered into with the Company by Free Merchants and Free Mariners, by which our reſpective Governments are empowered to withdraw ſuch Licences if they ſhall think proper to do ſo, on giving Twelve Months previous Notice thereof; at the ſame Time we direct that you afford every proper Encouragement to induſtrious Settlers who are Natives of any Part of India or China.

No. 3.

COPIES of ſuch Parts of the Public Regulations paſſed by the Governments of Bengal, Fort St. George, and Bombay, as relate to the Reſidence of Europeans in India.

BENGAL REGULATION III. A.D. 1793.

Section IX. The Zillah and City Courts are to have Juriſdiction over all Britiſh Subjects, (excepting King's Officers ſerving under the Preſidency of Fort William, and the covenanted Civil Servants of the Company and their Military Officers,) ſo far as not to allow them to reſide or take up their Abode within their reſpective Zillahs or Cities, at a greater Diſtance from Calcutta than Ten Miles, unleſs they execute the Bond preſcribed in Regulation XXVIII. 1793, to render themſelves amenable to the Court in all Suits of a civil Nature that may be inſtituted againſt them by Natives or other Perſons deſcribed in Section VII. in which the Amount claimed may not exceed 500 Sicca Rupees.

Section XI. If a Native, or any other Perſon not being a Britiſh Subject, ſhall conſider himſelf aggrieved under any Regulation printed and publiſhed in the Manner directed in Regulation XLI. 1793, by an Act done by any of the Officers of Government deſcribed in Section X. purſuant to a ſpecial Order originating with the Governor General in Council or the Board of Revenue or Trade, the Officer by whom the Act may be done is not to be liable to be ſued for it. In ſuch Caſes Government is to be conſidered as the Defendant, and the Perſon deeming himſelf aggrieved is to preſent a Petition to the Judge of the Dewanny Adawlut of the Zillah or City in which the Officer by whom the Act complained of may be done, ſtating wherein he conſiders himſelf injured under the Regulations, and praying that the Governor General in Council will order the Court of Dewanny Adawlut, in which the Cauſe may be cognizable, to try the Points or Matters conteſted, agreeably to the Regulations. The Judge to whom the Petition may be preſented, is to forward it immediately to the Governor General in Council, who, provided he ſhall not think it proper to afford the Redreſs that may be ſolicited by the Petitioner, and the Courts of Juſtice, ſhall be competent to try the Cauſe, will direct the Court in which it may be cognizable to proceed to the Trial of it. If the Governor General in Council ſhall order the Cauſe to be tried, the Court is immediately to ſend a written Notification of the Order to the Complainant, and the Cauſe is to be conſidered as filed in the Court from the Date of the Notification. The Court is then to proceed to try the Suit, under the ſame Rules and Regulations as are preſcribed for the Trial of Suits between Individuals. The Officer by whom the Act complained againſt may have been done, is to carry on the Suit under the Directions of the Governor General in Council or the Board of Revenue or Trade, according to the immediate Authority under which he may have acted, and is to iſſue the neceſſary Inſtructions to the Vakeel of Government in the Court in which the Suit may be inſtituted, or ſubſequently carried in Appeals. In the Event of Government being caſt in any of the Courts, the Officer entruſted with the Management of the Suit is to ſend a Copy of the Decree and Proceedings of the Court to the Governor General in Council or to the Board of Revenue or Trade, according to the immediate Authority under which he may have acted, with a Letter ſtating any Objections that he may have to offer to the Deciſion. The Boards above mentioned are to ſubmit all ſuch Decrees and Proceedings

Proceedings to the Governor General in Council, with their Opinion reſpecting them. The Governor General in Council will order an Appeal from the Deciſions that may be tranſmitted to him under this Section, to be preferred or not as may appear to him adviſable. The Coſts and Damages that may be awarded againſt Government in Suits inſtituted under this Section, are to be defrayed from the public Treaſury. All ſpecial Rules reſpecting Caſes of the Nature of thoſe deſcribed in this Section, are to be duly attended to by the Plaintiff and the Boards and Officers concerned in them.

BENGAL REGULATION IX. A.D. 1793.

Section XIX. In the Event of any Act being committed by a European Britiſh Subject, which may render him an Object of a Criminal Proſecution in the Supreme Court of Judicature, to which Court alone European Britiſh Subjects are amenable, in ſuch Caſes the Magiſtrate, upon Information of the Act being lodged before him upon Oath, is to apprehend ſuch Britiſh Subject, and to make Inquiry into the Circumſtances of the Charge without Delay. After ſuch Inquiry, if he ſhall be ſatisfied in his own Mind that there are ſufficient Grounds for committing ſuch Britiſh Subject for Trial, he is immediately to convey him under ſafe Cuſtody to one of the Judges of the Supreme Court of Judicature, and to report the Circumſtances of the Caſe, for the Information of the Nizamut Adawlut. He is likewiſe to bind over the Complainant to repair to Calcutta before the Seſſion next enſuing, to proſecute, and to take Security from the Witneſſes for their Appearance at the Trial. In caſe of the Inability of the Proſecutor or the Witneſſes to defray the Charge of the Journey, the Magiſtrate is to ſtate to the Nizamut Adawlut what pecuniary Aſſiſtance he would recommend being granted to them. All Europeans, not Britiſh Subjects, are amenable equally with the Natives to the Authority of the Magiſtrate, and to the Courts of Circuit for Trial before which they may be committed.

BENGAL REGULATION XXXII. A.D. 1793.

Section IV. If any Britiſh Subject ſhall be convicted to the Satisfaction of the Governor General in Council of having been concerned in any illicit Trade in Opium, in oppoſition to the Regulations of Government limiting the Proviſion and Manufacture of Opium to the Public Contractors, he ſhall be liable to forfeit the Company's Protection, and be ſent to Europe.

BENGAL REGULATION XXXVIII. A.D. 1793.

A Regulation for re-enacting, with Modifications, ſuch Part of the Rule paſſed on the 27th June 1787, as prohibits Covenanted Civil Servants of the Company, employed in the Adminiſtration of Juſtice or the Collection of the Public Revenue, lending Money to Zemindars, independent Talookdars, or other actual Proprietors of Land, or dependant Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under Farmers or Ryots of the ſeveral Deſcriptions of Proprietors and Farmers of Land above mentioned, or their reſpective Sureties; and for re-enacting, with Alterations, the exiſting Rules prohibiting Europeans of any Deſcription holding Poſſeſſion of Lands that may be mortgaged to them, or purchaſing or renting Lands for erecting Houſes or Buildings for carrying on Manufactures or other Purpoſes, without the Sanction of the Governor General in Council. Paſſed by the Governor General in Council on the 1ſt May 1793, correſponding with the 21ſt Byſaak 1200, Bengal Era; the 6th Byſaak 1200, Fuſſily; the 21ſt Byſaak 1200, Willaity; the 6th Byſaak 1850, Sumbut; and the 19th Ramzaan 1207, Hegeree.

At an early Period after the Eſtabliſhment of the Britiſh Government in this Country, the Servants of the Company employed in the Adminiſtration of Juſtice and Collection of Revenue were prohibited from lending Money to the Landholders and Farmers, and others concerned in the Collection or Payment of the Revenue, in order to guard againſt the Abuſes that the Powers with which they were

were inveſted would have enabled them to practiſe, had they been permitted to engage in ſuch Tranſactions with Individuals ſubject to their official Controul and Authority. This Rule was incorporated with the Judicial Regulations paſſed on the 5th July 1781, and has ſince continued in force. From a Regard to the Prejudices of the Natives, and with a View to promote their Eaſe and Happineſs, and to obviate the Evils that would neceſſarily have reſulted from allowing any Perſons not amenable to the Provincial Courts of Judicature in common with the Natives, to purchaſe or rent Eſtates without Reſtriction or Limitation, or to hold any Land whatever, excepting for the Erection of Dwelling Houſes or Buildings for Manufactures or other commercial Purpoſes, it was likewiſe early made a Rule, that no European ſhould purchaſe or hold Land out of the Limits of Calcutta without the Sanction of Government. This Rule was included in the Revenue Regulations paſſed on the 8th June 1787, and has ſince remained in force. The Rules above mentioned are hereby re-enacted with Modifications.

Covenanted Servants of the Company employed in the Adminiſtration of Juſtice, or the Collection of the Revenue, prohibited lending Money to Proprietors or Farmers of Land, Dependant Talookdars, Under Farmers or Ryots, or their Sureties.

II. The Judges and Magiſtrates of the Zillah and City Courts, the Judges of the Provincial Courts of Appeal and the Courts of Circuit, and the Regiſters to their reſpective Courts, and their Aſſiſtants or other Officers, being Covenanted Servants of the Company, and the Collectors of the Revenue and their Aſſiſtants, are prohibited lending Money, directly or indirectly, to any Proprietor or Farmer of Land or Dependant Talookdar, or Under Farmer or Ryot, or their Sureties; and all ſuch Loans as have been made, in Oppoſition to the repeated Prohibitions of Government, or which may be hereafter made, are declared not recoverable in any Court of Judicature.

Europeans now poſſeſſing or who may hereafter purchaſe, rent, or occupy Land without the Sanction of the Governor General in Council, liable to be diſpoſſeſſed at his Diſcretion.

III. No European, of whatever Nation or Deſcription, ſhall purchaſe, rent, or occupy, directly or indirectly, any Land out of the Limits of the Town of Calcutta without the Sanction of the Governor General in Council; and all Perſons now ſo holding Land beyond the Limits of Calcutta without having obtained ſuch Permiſſion, in Oppoſition to the repeated Prohibitions of Government, or who may hereafter ſo purchaſe, rent, or occupy Land, ſhall be liable to be diſpoſſeſſed of the Land at the Diſcretion of the Governor General in Council; nor ſhall they be entitled to any Indemnification for Buildings which they may have erected, or other Account.

Europeans not prohibited lending Money to Proprietors, &c. on Mortgage of the Eſtates or Leaſes, not to be allowed to have Poſſeſſion of the Land, or to have any Concern in the Collections.

IV. Europeans who are not prohibited from lending Money to Proprietors or Farmers of Land, Dependant Talookdars, Under Farmers or Ryots, and who may make Loans to them on the Security or Mortgage of their Lands or Leaſes, ſhall not be allowed, directly or indirectly, to hold Poſſeſſion of the Lands the proprietary Right in which or Leaſe whereof may be mortgaged to them as Security for the Loan, or to make or appropriate the Collections, or to have any Concern or Interference whatever in the Management or Collection of the Rents or Revenue of the Lands.

Collector to depute an Officer to meaſure Ground which the Governor General in Council may permit a European to hold. Collectors to report when any Europeans may poſſeſs themſelves of Land without Authority.

V. When an European ſhall be permitted by the Governor General in Council to purchaſe, occupy, or rent any Land out of the Limits of Calcutta, it ſhall be meaſured by an Officer to be appointed by the Collector; and the Expence attending the Meaſurement ſhall be paid by the Party purchaſing, renting, or occupying the Ground. It ſhall be the Duty of the Collectors to report to the Board of Revenue, for the Information of the Governor General in Council, every Inſtance that may come to their Knowledge in which Europeans may directly or indirectly purchaſe, occupy, or rent Land without ſuch Authority.

Annual Statement of Lands held by Europeans to be ſent by the Collectors to the Board of Revenue.

VI. Upon the Receipt of this Regulation the Collectors are to tranſmit a Statement, ſpecifying the Names of the Europeans poſſeſſing, renting, or occupying Land within their reſpective Zillahs, the Extent of the Land, the Purpoſe to which it is applied, and from what Period and under what Authority it has been ſo poſſeſſed, occupied, or rented. The Collectors are to tranſmit a ſimilar Statement to the Board of Revenue annually by the 1ſt of January.

BENGAL REGULATION XXXIX. A.D. 1795.

Section VIII. The Collector of the Cuſtoms ſhall not allow the Cargoes to be landed from any Ships or Veſſels, the Commanders of which are required to furniſh the Liſt of Europeans preſcribed by the Governor General in Council on the 25th

25th June 1788, until he receives a Copy of it from the Maſter Attendant; and he ſhall alſo refuſe Permiſſion for the landing of any Cargoes belonging to the Captains or Officers of ſuch Ships or Veſſels, or of any Baggage belonging to Paſſengers that may come in them, excepting the Cargoes or Baggage of Perſons named in the Liſt.

BENGAL REGULATION LII. A. D. 1795.

Section XIX. Any Europeans proved, to the Satisfaction of the Governor General in Council, to have been concerned in the illicit Importation of Salt, will, over and above the Penalties already ſpecified, be conſidered as having forfeited the Company's Protection, and if reſiding in India with the Company's Permiſſion, as having broken their Covenants with the Company, and liable to be ſent to Europe as unlicenſed Traders.

BENGAL REGULATION II. A. D. 1796.

A Regulation for the Guidance of the Zillah and City Magiſtrates in the Provinces of Bengal, Behar, Oriſſa, and Benares, in apprehending and bringing to Trial European Britiſh Subjects charged with Acts which may render them liable to a Criminal Proſecution, paſſed by the Governor General in Council on the 18th April 1796, correſponding with the 9th Byſaak 1203 Bengal Era, the 26th Chyte 1203 Fuſſily, the 9th Byſaak 1203 Willaity, the 26th Chyte 1853 Sumbut, and the 9th Sawaul 1210 Higeree.

The Act of 21ſt Geo. III. Cap. 65. having empowered the Governor General in Council, by Commiſſions under the Seal of the Supreme Court of Judicature, teſted in the Name of the Chief Juſtice, to appoint Covenanted Servants of the Company, or other Britiſh Inhabitants whom he may think properly qualified to act as Juſtices of the Peace, and the Perſons ſo appointed, after taking, before the Court of Oyer and Terminer at this Preſidency, the like Oaths as are appointed to be taken by Juſtices of the Peace in Great Britain (with certain Exceptions provided by the Act above mentioned), being veſted with full Power and Authority to act as Juſtices of the Peace, according to the Tenor of their Commiſſions, in and for the Places therein ſpecified, the Governor General in Council, among other Reſolutions paſſed in purſuance of the above Act on the 27th January 1794, Reſolved, as follows, viz. "That for the Purpoſe of inveſting the Magiſtrates of the ſeveral Zillahs, and of the Cities of Dacca, Moorſhedabad, and Patna, with legal Authority to apprehend and ſend to Calcutta Europeans who may offend againſt the Peace, they be reſpectively appointed Juſtices of the Peace according to the Act above cited, within their ſeveral Juriſdictions as now or hereafter conſtituted, and that they be named in the Warrant to be iſſued to the Judges of the Supreme Court accordingly; but as it would be expenſive and inconvenient to require them all to repair immediately to Calcutta to take the preſcribed Oath of Qualification, that they be directed to take this Oath as they may hereafter occaſionally viſit the Preſidency, and in the mean Time be apprized that their Execution of the Functions of a Juſtice of the Peace muſt remain ſuſpended, agreeably to the Reſtriction to this Effect in the 152d Clauſe of the Act above noticed." This Appointment of the Zillah and City Magiſtrates to be Juſtices of the Peace rendering it unneceſſary, after they have reſpectively taken the Oath of Qualification, to ſend European Britiſh Subjects apprehended by them to be committed for Trial by one of the Judges of the Supreme Court of Judicature, as directed in Section XIX. Regulation IX. 1793, and the Obſervance of this Mode of Commitment being liable to occaſion conſiderable Inconvenience to the Witneſſes, one or more of whom muſt attend at Calcutta with the Priſoner to give Evidence to warrant his Commitment; to obviate this Inconvenience, and in purſuance of the foregoing Appointment of the Zillah and City Magiſtrates to be Juſtices of the Peace within their reſpective Juriſdictions, the Governor General in Council has reſolved to reſcind Section XIX. Regulation IX. 1793, and the following Rules are hereafter to be obſerved in the Place of it:

Proceſs to be obſerved in Apprehenſion and Trial of European Britiſh Subjects, liable to a criminal Proſecution.

II. Firſt, All Europeans, not Britiſh Subjects, are amenable to the Authority of the Magiſtrates and Courts of Circuit, within whoſe Juriſdictions they may be apprehended and brought to trial, in common with the Natives of the Country; but European Britiſh Subjects, for all Acts of a criminal Nature, are amenable only to the Supreme Court of Judicature at Calcutta; and in the Event of any Charges being preferred againſt them which may render them liable to a criminal Proſecution in that Court, the following Proceſs is to be obſerved for their Apprehenſion and Trial.

If the Charge be preferred to a Magiſtrate qualified to act as Juſtice of the Peace.

Second. If the Zillah or City Magiſtrate, before whom the Charge againſt ſuch European Britiſh Subject may be preferred, ſhall have taken the Oaths of Qualification as a Juſtice of the Peace, and thereby have become veſted with the full Power and Authority of a Juſtice of the Peace under the Proviſion made for that Purpoſe by the Act of 21 G. 3. cap. 65. the Magiſtrate, upon the Charge or Information being lodged before him upon Oath, is to proceed to the Apprehenſion of the Party accuſed, and provided the Evidence againſt him be ſufficient to warrant the ſame, to his Commitment for Trial, as he is authorized and required to do by virtue of his Commiſſion as Juſtice of the Peace; and if there appear to him ſufficient Grounds for committing ſuch Britiſh Subject for Trial, he is to iſſue a Warrant under his Signature and official Seal, directed to the Sheriff of Calcutta, and commanding him to receive the Priſoner into his Cuſtody for Trial at the enſuing Seſſions; he is likewiſe to bind over the Proſecutor to repair to Calcutta before the Seſſion next enſuing, and is to take Recognizances from the Witneſſes for their Appearance at the Trial.

If the Magiſtrate to whom the Charge may be preferred, is not qualified to act as Juſtice of the Peace.

Third. If the Zillah or City Magiſtrate, before whom an European Britiſh Subject may be charged as aforeſaid, ſhall not have taken the Oath of Qualification, and be therefore unqualified to act as Juſtice of the Peace under the Act of Parliament above recited, upon the Charge or Information being lodged before him upon Oath, he is to make a ſummary Inquiry into the Circumſtances of the Charge, without Delay, and if there appear to be ſufficient Grounds for committing ſuch Britiſh Subject for Trial, he is to be apprehended and immediately conveyed under ſafe Cuſtody to Calcutta, and a Report of the Caſe made at the ſame Time to the Court of Nizamut Adawlut, who on his Arrival at the Preſidency are to inſtruct the Honourable Company's Attorney to take the neceſſary Meaſures for his Commitment and Trial at the enſuing Seſſion; Two Witneſſes to the Facts alledged againſt the Priſoner (if ſo many be procurable) are alſo to be ſent with him to Calcutta, or bound to appear and give Evidence for the Purpoſe of his Commitment at the Time of his Arrival, and a Liſt of ſuch Witneſſes is in all Caſes to accompany the Letter ſent with the Priſoner to the Court of Nizamut Adawlut. The Magiſtrate is further to bind over the Proſecutor to repair to Calcutta before the Seſſion next enſuing, and is to take final Recognizances from the Witneſſes for their Appearance at the Trial.

Allowances to be made to Proſecutors and Witneſſes in need of pecuniary Aſſiſtance.

III. In all Caſes of Inability of the Proſecutor or Witneſſes to defray the Charge of the Journey to Calcutta, the Magiſtrate is authorized to make them the ſame Allowance as by Section XXVI. Regulation IX. 1793, he is authorized to make to Proſecutors and Witneſſes in need of ſuch Aſſiſtance, during their Attendance on the Courts of Circuit, viz. a daily Allowance of Two Annas each during their Attendance on the Supreme Court, including the actual Period of their Journey to and from Calcutta, or ſufficient Time for their Return after their Diſcharge from the Court, in Caſes wherein it may appear they have voluntarily protracted their Return beyond what was neceſſary.

Zillah and City Magiſtrates to take the preſcribed Oath as Juſtices of the Peace within Six Months from this Date or the Date of their ſame Appointment.

IV. To obviate as far as poſſible the Inconvenience ſtated in the Preamble to this Regulation, in Caſes of Complaints of a criminal Nature againſt European Britiſh Subjects being preferred to a Zillah or City Magiſtrate not qualified to act as Juſtice of the Peace, the Magiſtrates of the ſeveral Zillahs and of the Cities of Dacca, Moorſhedabad, Patna, and Benares, who have not already taken the preſcribed Oath of Qualification to act as Juſtice of the Peace of their reſpective Diſtricts, are required to do ſo within Six Months from this Date; and all Perſons hereafter appointed to the Station of Zillah or City Magiſtrate, are required to take the ſaid Oath within Six Months from the Date of their Appointment, unleſs in any particular Inſtance it ſhould be neceſſary or convenient to defer the

ſame

ſame to a later Period; in which Caſe the Court of Nizamut Adawlut, on Application being made to them, are authorized to grant ſuch Extenſion as they may judge proper, ſo that in no Inſtance, without the Sanction of the Governor General in Council in Caſes of Emergency, the taking the Oath in the manner preſcribed in the Act of Parliament aforeſaid ſhall be deferred beyond a Twelvemonth from the Date of Appointment of any Zillah or City Magiſtrate hereby required to take the ſame. Exemption.

A. D. 1806, REGULATION XV.

A Regulation for the Amendment of certain Parts of the Proviſions contained in Clauſes 2d and 3d, Section 2, Regulation 2, 1796, and Clauſes 2d and 3d, Section 19, Regulation 6, 1803; and of the Rule contained in Section 7, Regulation 5, 1799. Paſſed by the Governor General in Council on the 24th of July 1806, correſponding with the 10th Sawun 1213 Bengal Era; the 24th Sawun 1213 Fuſſily; the 10th Sawun 1213 Willaity; the 9th Sawun 1863 Sumbut; and the 7th Jemaud-ul-Awul 1221 Higeree.

Whereas it is adviſable that the Governor General in Council ſhould be regularly informed of any Offences of a criminal Nature committed by European Britiſh Subjects reſiding in the Interior of the Country: And whereas it has been deemed expedient to modify certain Parts of the Proviſions contained in Clauſes 2d and 3d, Section II. Regulation II. 1796; and in Clauſes 2d and 3d, Section XIX. Regulation VI. 1803; and alſo of the Rule contained in Section VII. Regulation V. 1799, the following Rules have been enacted to be in force from the Period of their Promulgation throughout the Territories, ſubject to the immediate Government of the Preſidency of Fort William.

II. Whenever a Zillah or City Magiſtrate who ſhall have taken the Oaths of Qualification as a Juſtice of the Peace, ſhall hold any Britiſh European Subject to Bail, or ſhall deem it neceſſary to commit any ſuch Perſon to the Jail of Calcutta to take his Trial before the Supreme Court of Judicature for any Offence of a criminal Nature, the Magiſtrate ſhall tranſmit the original Depoſitions taken on the Occaſion, (together with Tranſactions of any Papers not being in the Engliſh Language) to the Clerk of the Crown. The Magiſtrate ſhall likewiſe tranſmit Copies of the ſaid Depoſitions (together with Tranſlations of any Papers not being in the Engliſh Language) to the Secretary to the Government in the Judicial Department, for the Information of the Governor General in Council; who, in Caſes in which he ſhall conſider it to be neceſſary, from the aggravated Nature of the Offence charged againſt the Perſon accuſed, or on any other ſubſtantial Ground, will order the Proſecution to be conducted by the Law Officers of Government, and at the Public Expence. Caſes in which Magiſtrates are to tranſmit to the Clerk of the Crown and to Government, Depoſitions and Tranſlations of Papers reſpecting European Britiſh Subjects held to Bail or committed to the Jail of Calcutta.

III. Whenever an European Britiſh Subject ſhall be charged before a Zillah or City Magiſtrate, who has not taken the Oaths of Qualification as a Juſtice of the Peace with a Criminal Offence, which according to the Law of England may not be bailable, and the Magiſtrate after making the neceſſary Inquiry on the Subject, ſhall be of opinion that there are Grounds for bringing the Perſon accuſed to trial before the Supreme Court of Judicature, the Magiſtrate ſhall ſend the Perſon accuſed under ſafe Cuſtody to His Majeſty's Juſtices of the Peace at the Police Office in Calcutta, accompanied by the Witneſſes againſt the Priſoner, with a Letter ſtating the Nature of the Caſe, and requeſting that the Juſtices at Calcutta will take the neceſſary Meaſures for bringing the Perſon accuſed to Trial before the Supreme Court of Judicature. The Magiſtrate by whom the Priſoner may be ſent to Calcutta ſhall at the ſame Time tranſmit a Copy of all the Proceedings held on the Occaſion (together with Tranſlations of any Papers not being in the Engliſh Language) to the Secretary to the Government in the Judicial Department, to enable the Governor General in Council to determine whether the Proſecution ſhould be undertaken by the Law Officers of Government, and at the Public Expence, or otherwiſe. Caſes in which Magiſtrates are to ſend accuſed Perſons of the above Deſcription with the Witneſſes to His Majeſty's Juſtices of the Peace at Calcutta. Proceedings and Tranſlation of Papers to be forwarded to Government.

IV. The foregoing Rule of courſe ſuperſedes ſuch Part of Section 2, Regulation 2, 1796, and of Section 19, Regulation 6, 1803, which directs, "that a "Report of the Caſe ſhall be made at the ſame Time to the Court of Nizamut "Adawlut, Parts of Section 2, Regulation 2, 1796, and of Section 19, Regulation 6, 1803, ſuperſeded.

" Adawlut, who, on the Arrival of the accuſed at the Preſidency, are to inſtruct " the Company's Attorney to take the neceſſary Meaſures for his Commitment " and Trial at the enſuing Seſſions."

V. Whenever any Perſon ſhall charge an European Britiſh Subject before a Magiſtrate who has not taken the Oaths of Qualification as a Juſtice of the Peace with a bailable Offence, it ſhall be the Duty of the Magiſtrate to explain to the Complainant the Courſe which he ſhould purſue for the Purpoſe of obtaining Redreſs, that is, by Application to the Juſtices of the Peace at Calcutta, or to the Grand Jury. It ſhall likewiſe be the Duty of the Magiſtrate, after calling upon the Perſon accuſed for his Reply to the Complaint, to report the ſame to the Governor General in Council; at the ſame Time ſtating, on a Conſideration of the Diſtance at which the Parties may reſide from the Preſidency, of the Poverty of the Complainant, or of other Circumſtances, whether it would, in the Opinion of the Magiſtrate, be proper that the Expence of the Proſecution ſhould be defrayed by Government. The Governor General in Council, on Receipt of ſuch Report, will paſs ſuch Orders on the Subject as may appear to him to be adviſable, and will at the ſame Time direct, in Caſes which may appear to require it, that the Proſecution ſhall be conducted by the Law Officers of the Company.

Section 7, Regulation 5, 1799, modified.

VI. Section 7, Regulation 5, 1799, preſcribes Rules for the Guidance of the Zillah and City Judges with reſpect to the Charge of the unclaimed Aſſets of Eſtates of Europeans dying inteſtate. It being, however, enacted in Statute 39 Geo. 3. cap. 79. ſect. 21. that whenever any Britiſh Subject ſhall die inteſtate, and neither a Creditor nor the next of Kin ſhall apply for Letters of Adminiſtration, the Regiſter of the Supreme Court ſhall adminiſter to the Eſtate of the deceaſed; it ſhall be the Duty of the Zillah and City Judges, whenever any Britiſh European Subject ſhall die within the Limits of their Juriſdictions, and no Will ſhall be found among the Effects of the deceaſed, to report the Circumſtance without Delay to the Regiſter of the Supreme Court of Judicature, retaining the Property under their Charge until Letters of Adminiſtration ſhall have been obtained by that Officer, or by ſome other Perſon, from the Supreme Court of Judicature, when the Property is to be delivered over to the Perſon obtaining ſuch Letters, or in the Event of a Will being ſubſequently diſcovered, to the Perſon who may obtain Probate of the Will.

Judges to report to the Regiſter of the Supreme Court reſpecting Eſtates of deceaſed Britiſh European Subjects, retaining in the mean Time the Property under their Charge.

FORT ST. GEORGE REGULATION II. A. D. 1802.

Section VI. The Zillah Courts are to have Juriſdiction over all Britiſh Subjects (excepting King's Officers ſerving under the Preſidency of Fort St. George, and the covenanted Civil Servants of the Company, and their Military Officers,) ſo far as not to allow them to reſide or take up their Abode within their reſpective Zillahs at a greater Diſtance from Fort St. George than Ten Miles, unleſs they execute the Bond preſcribed in Regulation 18, of 1802, to render themſelves amenable to the Court in all Suits of a Civil Nature that may be inſtituted againſt them by Natives or other Perſons deſcribed in Section IV. in which the Amount claimed may not exceed 500 Arcot Rupees.

XV. If a Native or any other Perſon not being a Britiſh Subject ſhall conſider himſelf aggrieved under any eſtabliſhed Regulation, by an Act done by any of the Officers of Government deſcribed in Section VII. purſuant to a ſpecial Order originating with the Governor in Council, or the Board of Revenue or Trade, the Officer by whom the Act may be done ſhall not be liable to be ſued for it. In ſuch Caſes, Government is to be conſidered as the Defendant; and the Perſon deeming himſelf aggrieved is to preſent a Petition to the Judge of the Court of Adawlut of the Zillah, to which the Officer by whom the Act complained of may have been done ſhall be amenable in his public Capacity, ſtating wherein he conſiders himſelf injured under the Regulations, and praying that the Governor in Council will order the Court of Adawlut, in which the Cauſe may be cognizable, to try the Points or Matters conteſted agreeably to the Regulations. The Judge to whom the Petition may be preſented, is to forward it immediately to the Governor General in Council, who, provided he ſhall not think it proper to afford the Redreſs ſolicited by the Petitioner, and provided the Courts of Juſtice ſhall be competent to try the Cauſe, will direct the Court in which it may be cognizable,

cognizable, to proceed to the Trial of it. If the Governor in Council ſhall order the Cauſe to be tried, the Court is immediately to ſend a written Notification of the Order to the Complainant; and the Cauſe is to be conſidered as filed in the Court from the Date of the Notification. The Court is then to proceed to try the Suit, under the ſame Rules and Regulations as are preſcribed for the Trial of Suits between Individuals. The Officer by whom the Act complained againſt may have been done, is to carry on the Suit under the Directions of the Governor in Council, or the Board of Revenue or Trade, according to the immediate Authority under which he may have acted, and is to iſſue the neceſſary Inſtructions to the Vakeel of Government, in the Court in which the ſame may be inſtituted, or ſubſequently carried in appeal. In the Event of Government being caſt in any of the Courts, the Officer entruſted with the Management of the Suit is to ſend a Copy of the Decree and Proceedings of the Court to the Governor in Council, or to the Board of Revenue or Trade, according to the immediate Authority under which he may have acted, with a Letter, ſtating any Objection that he may have to offer to the Deciſion. The Boards above mentioned are to ſubmit all ſuch Decrees and Proceedings to the Governor in Council, with their Opinion reſpecting them. The Governor in Council will order an Appeal from the Deciſions that may be tranſmitted to him under this Section, to be preferred or not, as may to him appear adviſable. The Coſts and Damages that may be awarded againſt Government in Suits inſtituted under this Section, are to be defrayed from the Public Treaſury.

FORT SAINT GEORGE, REGULATION VI.—A. D. 1802.

XIX. Firſt, All Europeans, not Britiſh Subjects, ſhall be amenable to the Authority of the Magiſtrates and Courts of Circuit within whoſe Juriſdiction they may be apprehended and brought to Trial, in common with the Natives of the Country. European Britiſh Subjects, for all Acts of a Criminal Nature, are amenable only to the Supreme Court of Judicature at Madras: And in the Event of any Charges being preferred againſt them, which may render them liable to a Criminal Proſecution in that Court, the following Proceſs is to be obſerved for their Apprehenſion and Trial.

Secondly, If the Zillah Magiſtrate, before whom the Charge againſt ſuch European Britiſh Subject may be preferred, ſhall have taken the Oaths of Qualification as a Juſtice of the Peace, and thereby have become veſted with the full Power and Authority of a Juſtice of the Peace, under the Proviſion made for that Purpoſe by Act of Parliament, the Magiſtrate, upon the Charge or Information being lodged before him on Oath, is to proceed to the Apprehenſion of the Party accuſed, and, provided the Evidence againſt him be ſufficient to warrant the ſame, to his Commitment for Trial, as he is authorized and required to do by virtue of his Commiſſion as Juſtice of the Peace; and if there appear to him ſufficient Grounds for committing ſuch Britiſh Subject for Trial, he is to iſſue a Warrant under his Signature and official Seal, directed to the Sheriff of Madras, and commanding him to receive the Priſoner into his Cuſtody for Trial at the enſuing Seſſions. He is likewiſe to bind over the Proſecutor to repair to Madras before the Seſſions next enſuing, and is to take Recognizances from the Witneſſes for their Appearance at the Trial.

Third, If the Zillah Magiſtrate, before whom an European Britiſh Subject may be charged as aforeſaid, ſhall not have taken the Oath of Qualification, and be therefore unqualified to act as Juſtice of the Peace under the Act of Parliament, upon the Charge or Information being lodged before him upon Oath, he is to make a ſummary Inquiry into the Circumſtances of the Charge without Delay, and if there appear to be ſufficient Grounds for committing ſuch Britiſh Subject for Trial, he is to be apprehended and immediately conveyed under ſafe Cuſtody to Madras, and a Report of the Caſe made at the ſame Time to the Court of Foujdarry Adawlut, who on his Arrival at the Preſidency are to inſtruct the Honourable Company's Attorney to take the neceſſary Meaſures for his Commitment and Trial at the enſuing Seſſion. Two Witneſſes to the Facts alleged againſt the Priſoners (if ſo many be procurable) are alſo to be ſent with him to Madras, or bound to appear and give Evidence for the Purpoſe of his Commitment at the

Time of his Arrival, and a Liſt of ſuch Witneſſes is in all Caſes to accompany the Letter ſent with the Priſoner to the Court of Foujdarry Adawlut. The Magiſtrate is further to bind over the Proſecutor to repair to Madras before the Seſſion next enſuing, and is to take final Recognizances from the Witneſſes for their Appearance at the Trial.

Fourth, In all Caſes of Inability of the Proſecutor or Witneſſes to defray the Charge of the Journey to Madras, the Magiſtrate is authoriſed to make them the ſame Allowance as by the eſtabliſhed Regulations he is authoriſed to make to Proſecutor and Witneſſes in need of ſuch Aſſiſtance, during their Attendance on the Courts of Circuit; viz. a daily Allowance of Two Annas each during their Attendance on the Supreme Court, including the actual Period of their Journey to and from Madras, or ſufficient Time for their Return after their Diſcharge from the Court in Caſes wherein it may appear they have voluntarily protracted their Return beyond what was neceſſary.

Fifth, The Magiſtrates of the ſeveral Zillahs who have not already taken the preſcribed Oath of Qualification to act as Juſtices of the Peace of their reſpective Diſtricts are required to do ſo within Six Months from this Date, and all Perſons hereafter appointed to the Station of Zillah Magiſtrate are required to take the ſaid Oath within Six Months from the Date of their Appointment, unleſs in any particular Inſtance it ſhould be neceſſary or convenient to defer the ſame to a later Period; in which Caſe the Court of Foujdarry Adawlut, on Application being made to them, are authoriſed to grant ſuch Extenſion as they may judge proper, ſo that in no Inſtance, without the Sanction of the Governor in Council in Caſes of Emergency, the taking the Oath in the Manner preſcribed in the Act of Parliament ſhall be deferred beyond a Twelvemonth from the Date of his Appointment of any Zillah Magiſtrate hereby required to take the ſame.

A. D. 1802, REGULATION XVIII.

A Regulation for prohibiting Britiſh Subjects (excepting King's Officers ſerving under the Preſidency of Fort St. George, and the Civil Covenanted Servants of the Company, and their Military Officers,) from reſiding at a greater Diſtance from Fort St. George than Ten Miles, unleſs they render themſelves amenable to the Courts of Adawlut in Civil Suits, which may be inſtituted againſt them by any of the Deſcriptions of Perſons mentioned in Section 4, Regulation 2, 1802. And for enabling Britiſh Subjects to recover any Demands recoverable under the Regulations which they may have upon ſuch Perſons.—Paſſed by the Governor in Council of Fort St. George on the 1ſt of January 1802.

Britiſh Subjects reſiding in interior Parts of the Country for Commercial Purpoſes, may recover with Facility and at a moderate Expence their Claims upon the Natives, or other Inhabitants of the Company's Territories, who are declared amenable to the Courts of Adawlut in Section 4, Regulation 2, 1802, by inſtituting a Suit againſt them in the Court of the Zillah in which they reſide. But the Natives of the Country, and all other Perſons ſubject to the Juriſdiction of the Courts of Adawlut, have no Means of obtaining Redreſs againſt ſuch Britiſh Subjects, but by ſuing them in the Supreme Court of Judicature at Madras; the Manufacturers therefore, as well as the immediate Cultivators of the Soil, and the lower Orders of the People, with whom ſuch Britiſh Subjects neceſſarily have extenſive Dealings, are in fact precluded from all Redreſs in the Event of their being wronged, as it is obviouſly impracticable for the Generality of Perſons of theſe Deſcriptions to quit their Families and Occupations, and undertake a diſtant Journey, to ſue for ſmall Demands in a Court proceeding and deciding according to Laws and in a Language with both of which they are equally unacquainted, and at an Expence that the Opulent only can ſupport. The Extenſion of Commerce and Agriculture, and conſequently the future Proſperity of the Country depending upon due Protection and Encouragement being afforded to the Manufacturers, the Cultivators of the Soil, and the other Claſſes of the lower and induſtrious Orders of the People, and it being alſo equitable that Britiſh Subjects of every Deſcription ſhould

be enabled to recover all legitimate Claims as authorized by the Regulations which they may have upon the Natives, or other Persons described in Section 4, Regulation 2, 1802, the Governor in Council has enacted the following Rules:

II. British Subjects (excepting King's Officers serving under the Presidency of Fort St. George, the Civil Covenanted Servants of the Company, and their Military Officers) shall not be permitted to reside at a greater Distance from Fort St. George than Ten Miles, unless they enter into a Bond rendering themselves amenable to the Court of Adawlut, within the Jurisdiction of which they may reside, in all Civil Suits that may be instituted against them by Natives, or other Inhabitants coming within the Descriptions of Persons amenable to the Zillah Courts, for any Sum of Money or Thing the Amount or Value of which shall not exceed 500 Arcot Rupees.

British Subjects [illegible] certain Exceptions not to be allowed to reside further from Fort St. George than Ten Miles, unless they execute the Bond in Section 3.

III. The following is the Form of the Bond to be executed by such British Subjects:

Form of the Bond.

"KNOW all Men by these Presents, That I of but now about to reside at in the Zillah or District of in the Province of am held and firmly bound unto Judge of the Court of Adawlut of the said Zillah or District of in the Sum of to be paid to the said his Executors or Administrators; for which Payment well and truly to be made I do hereby bind myself, my Heirs, Executors, and Administrators, firmly by these Presents, sealed with my Seal. Dated this Day of in the Year of Our Lord

"Whereas the Governor in Council of Fort St. George, acting for and on Behalf of the United Company of Merchants of England trading to the East Indies, hath, by virtue of certain Powers and Authority in him vested previous to the Date hereof, resolved that no British Subject, excepting the Officers of and belonging to the Army of His Majesty the King of Great Britain, serving under the Presidency of Fort St. George, and the Civil Covenanted Servants of the said United Company and their Military Officers, shall reside or take up a temporary or other Abode at a greater Distance from Madras at Fort St. George aforesaid than Ten English Miles Standard Measurement, unless such British Subject shall previous to or at the Commencement of such Abode or Residence execute a Bond or Obligation, in such Penalty as the Governor in Council at Fort St. George aforesaid for the Time being shall duly direct, to the Judge of the Court of Adawlut for the Time being of the Zillah or District in which such British Subject shall be about to reside, his Heirs, Executors, or Administrators, with Condition that such British Subject shall and will, from Time to Time, and at all Times thenceforward, submit and be amenable to the Court of Adawlut, or Court of Civil Jurisdiction of such Zillah or District, in all Civil Suits that may be instituted against him by any Native or other Inhabitant (not being a British Subject, or resident within the Limits of Madras, or Jurisdiction of the Supreme Court at Madras) of the Provinces within the Territorial Acquisitions of the said United Company, provided the Amount or Value of the Matter in Dispute between the Parties in such Suit does not exceed the Sum of 500 Arcot Rupees: And whereas the above-bounden is a British Subject, and hath, under and subject to the herein-before recited Resolution of the Governor in Council of Fort St. George aforesaid, obtained Permission and Licence of and from the said Governor in Council to reside at in the Zillah or District of in the Province of in Consideration whereof he the said hath agreed to execute and deliver this present Bond or Obligation.

"Now the Condition of this Obligation is such, that if the above-bounden his Heirs, Executors, and Administrators, and all and every of them, do and shall, from Time to Time and at all Times hereafter, on his and their Parts and Behalves, in all Things well and truly stand to, obey, abide by, perform, observe, fulfil, keep, and satisfy all and every the Order and Orders, Decree and Decrees, Judgment and Judgments of the Court of Adawlut or Court of Civil Jurisdiction established by the Authority of the said

said United Company, or of the Governor in Council of and for the said United Company, in the said Zillah or Diſtrict of in the said Province of or of the Judge or Judges of the said Courts for the Time being, in all and every Suit or Suits, Action or Actions, which now is or are, or hereafter ſhall or may be brought, commenced, inſtituted, ſued, or proſecuted againſt the ſaid by any Native or Natives, or other Inhabitant or Inhabitants (not being a Britiſh Subject or Subjects, or reſident within the Limits of the Town of Madras, at Fort St. George aforeſaid, or Juriſdiction of the Supreme Court at Madras) of any of the Provinces dependent upon or within the Territorial Acquiſitions of the ſaid United Company, provided the Matter in Diſpute between the Parties, or the Cauſe or Cauſes of each and every ſuch Suit or Suits, Action or Actions, doth not and ſhall not reſpectively, at the Time of commencing ſuch Suit or Suits, Action or Actions, exceed in Value the Sum of 500 Arcot Rupees: or if the ſaid his Heirs, Executors, and Adminiſtrators, ſhall and do well and truly ſtand to, abide by, obey, fulfil, and ſatisfy all and every the Order and Orders, Decree or Decrees, Judgment or Judgments, which in caſe of any Appeal of ſuch Suit or Suits, Action or Actions, duly and regularly made from the ſaid Courts of Adawlut to the proper Court or Courts of Appeal, ſhall be duly and regularly made by ſuch Court of Appeal as ſhall finally hear, decide, and determine ſuch Suit or Suits, Action or Actions; and if the ſaid , his Heirs, Executors, and Adminiſtrators, or any or either of them, ſhall not and do not, in and relating to ſuch Suit or Suits, Action or Actions, apply for any Writ or Writs of Surceaſe to iſſue out of and from the Supreme Court of Judicature at Madras aforeſaid, according to the Manner and Form preſcribed and mentioned in the Character or Letters Patent for eſtabliſhing the ſame, then this Obligation to be void and of no Effect; otherwiſe to be and remain in full Force and Virtue.

"Signed, ſealed, and delivered, where no Stamps are to be had, in the Preſence of - -

Where the Bond is to be executed and depoſited.

IV. The Bond is to be executed in open Court, before the Judge of the Court within the Juriſdiction of which ſuch Britiſh Subject may reſide or take up his Abode, unleſs the Court ſhall have been adjourned, in which Caſe it is to be executed before the Judge out of Court. The Bond is to be depoſited amongſt the Records of the Court.

New Bond to be executed when any ſuch Britiſh Subject ſhall remove into another Juriſdiction.

V. If any ſuch Britiſh Subject reſiding within the Juriſdiction of a Zillah Court, who may have executed the Bond contained in Section III. ſhall hereafter remove into the Juriſdiction of any other Zillah Court, to any Place being at a greater Diſtance from Madras than Ten Miles, he ſhall execute a new Bond to the ſame Effect, which ſhall be depoſited in the Court of Adawlut of the Zillah in which he may ſo take up his Abode; and all ſuch Britiſh Subjects, whether they may have previouſly executed the Bond in Section III. or not, upon proceeding to any Place within the Juriſdiction of a Zillah Court, and being at a greater Diſtance from Madras than Ten Miles, with a View to reſide there, ſhall, within Ten Days after their Arrival in ſuch Juriſdiction, attend before the Judge of the Court to execute the preſcribed Bond, and in Default of their ſo attending, the Judge ſhall ſummon them to appear for that Purpoſe, by a Writing under the Seal of the Court, and atteſted by the Regiſter.

Britiſh Subjects, whether they have previouſly executed the Bond or not, taking up their Reſidence at a greater Diſtance from Madras than Ten Miles, to attend before the Judge in Ten Days to execute the Bond.

Court to ſummon them if they do not attend.

Judges of the Zillah Courts to compel ſuch Britiſh Subjects reſiding to execute the Bond to proceed to Madras.

VI. If any ſuch Britiſh Subject, now reſiding, or who ſhall hereafter take up his Abode within the Juriſdiction of any Zillah Court at a greater Diſtance from Madras than Ten Miles, ſhall refuſe to attend before the Judge, and to execute the preſcribed Bond, the Judge is to require him, by a written Order under his official Signature and the Seal of the Court, to quit his Juriſdiction within One Month from the Date of the Order, and repair to Madras; and in the Event of his not complying with the Order, the Judge is to ſend him to Madras under the Charge of his Officers.

Bonds to be executed by [illegible]

VII. When any Britiſh Subject, or other Perſon who may not come within the Deſcription of Perſons declared amenable to the Juriſdiction of the Zillah Courts,

Courts, ſhall inſtitute a Suit in the Court of Adawlut of any Zillah Court on his own private Account, or on Behalf of any other Perſon, againſt a Perſon amenable thereto, he is to execute an Inſtrument in the Nature of a Bond of Arbitration, according to the Form hereafter recited, declaring himſelf ſubject to the Juriſdiction of the Court for ſo much as ſhall relate to the Suit in queſtion, and bind himſelf to abide by the Award or Decree of the Court, in the ſame Manner and to the ſame Extent as the Juriſdiction of the Court is valid againſt the Defendant; if ſuch Plaintiff ſhall refuſe to execute the Inſtrument, his Plaint ſhall not be received or filed.

may inſtitute a Suit in thoſe Courts againſt any Perſon amenable to their Juriſdiction.

" KNOW all Men by theſe Preſents, That I of but now reſiding at in the Zillah of in the Province of am held and firmly bound unto Judge of the Court of Adawlut of the ſaid Zillah, in the Sum of to be paid to the ſaid his Executors, Adminiſtrators, or Aſſigns, for which Payment well and truly to be made I do hereby bind myſelf, my Heirs, Executors, and Adminiſtrators, firmly by theſe Preſents, ſealed with my Seal, and dated this Day of in the Year of Chriſt .

" Whereas the above-bounden hath, on the Date hereof, commenced an Action, Cauſe, or Suit in the ſaid Court of Adawlut, before the ſaid againſt .

" Now the Condition of this Obligation is ſuch, That if the ſaid his Heirs, Executors, and Adminiſtrators, and every of them, do and ſhall on his and their Parts and Behalves in all Things well and truly ſtand to, obey, abide, obſerve, perform, and fulfil all ſuch Judgment and Judgments, Order and Orders, Decree and Decrees, as ſhall or may be at any Time given in the ſaid Action, Cauſe, or Suit, in the ſaid Court of Adawlut at or by the Provincial Court of Appeal, or Court of Sudder Adawlut, then this Obligation to be void; or elſe to remain in full Force and Virtue."

" Sealed and delivered (where no Stamps are in uſe or to be had) in the Preſence of -

VIII. Europeans, not Britiſh Subjects, and reſiding out of the Limits of Madras, are amenable to the Courts of Adawlut in the ſame Manner as Natives, or other Inhabitants coming within the Deſcriptions of Perſons ſpecified in Section IV. Regulation II. 1802.

All Europeans not British Subjects, and reſiding out of Madras, are amenable to the Courts of Adawlut.

FORT ST. GEORGE REGULATION XIX. 1802.

Sect. III. No European, of whatever Nation or Deſcription, ſhall purchaſe, rent, or occupy, directly or indirectly, any Land out of the Limits of the Town of Madras, and the Juriſdiction of the Supreme Court of Judicature, without the Sanction of the Governor in Council; and all Perſons now ſo holding Land beyond the ſaid Limits without having obtained ſuch Permiſſion, in Oppoſition to the repeated Prohibitions of Government, or who may hereafter ſo purchaſe, rent, or occupy Land, ſhall be liable to be diſpoſſeſſed of the Land at the Diſcretion of the Governor in Council, nor ſhall they be entitled to any Indemnification for Buildings which they may have erected, or other Account.

IV. Europeans, who are not prohibited from lending Money to Proprietors or Farmers of Land, Dependant Talookdars, Under Farmers, or Ryots, and who may make Loans to them on the Security or Mortgage of their Lands or Leaſes, ſhall not be allowed, directly or indirectly, to hold Poſſeſſion of the Lands the proprietary Right in which or Leaſe whereof may be mortgaged to them as Security for the Loan, or to make or appropriate the Collections, or to have any Concern or Interference whatever in the Management or Collection of the Rents or Revenue of the Lands.

FORT ST. GEORGE REGULATION IV. A.D. 1809.

Section I. Whereas it is adviſable that the Governor in Council ſhould be regularly informed of any Offences of a Criminal Nature committed by European Britiſh Subjects reſiding in the Interior of the Country: And whereas it has been deemed expedient to modify certain Parts of the Proviſions contained in Clauſes 2d and 3d, Section XIX. Regulation VI. A.D. 1802, and alſo of the Proviſions contained in Clauſe 7th, Section XVI. Regulation III. A.D. 1802.; the following Rules have been enacted to be in force from the Period of their Promulgation throughout the Territories ſubject to the immediate Government of the Preſidency of Fort St. George:

II. Whenever a Zillah Magiſtrate, who ſhall have taken the Oaths of Qualification as a Juſtice of the Peace, ſhall hold any European Britiſh Subject to Bail, or ſhall deem it neceſſary to commit any ſuch Perſon to the Gaol of Madras to take his Trial before the Supreme Court of Judicature for any Offence of a Criminal Nature, the Magiſtrate ſhall tranſmit the original Depoſitions taken on the Occaſion (together with Tranſlations of any Papers not being in the Engliſh Language) to the Clerk of the Crown. The Magiſtrate ſhall likewiſe tranſmit Copies of the ſaid Depoſitions (together with Tranſlations of any Papers not being in the Engliſh Language) to the Secretary of the Government in the Judicial Department, for the Information of the Governor in Council, who in Caſes in which he ſhall conſider it to be neceſſary, from the aggravated Nature of the Offence charged againſt the Perſon accuſed, or on any other ſubſtantial Ground, will order the Proſecution to be conducted by the Law Officers of Government, and at the Public Expence.

III. Whenever an European Britiſh Subject ſhall be charged before a Zillah Magiſtrate, who has not taken the Oaths of Qualification as a Juſtice of the Peace, with a Criminal Offence, which, according to the Law of England may not be bailable, and the Magiſtrate, after making the neceſſary Inquiry on the Subject, ſhall be of opinion that there are Grounds for bringing the Perſon accuſed to Trial before the Supreme Court of Judicature, the Magiſtrate ſhall ſend the Perſon accuſed under ſafe Cuſtody to His Majeſty's Juſtices of the Peace at the Rotation Office in Madras, accompanied by the Witneſſes againſt the Priſoner, with a Letter ſtating the Nature of the Caſe, and requeſting that the ſaid Juſtices will take the neceſſary Meaſures for bringing the Perſon accuſed to Trial before the Supreme Court of Judicature; the Magiſtrate by whom the Priſoner may be ſent to Madras ſhall at the ſame Time tranſmit a Copy of all the Proceedings held on the Occaſion, together with Tranſlations of any Papers not being in the Engliſh Language, to the Secretary to the Government in the Judicial Department, to enable the Governor in Council to determine whether the Proſecution ſhould be undertaken by the Law Officers of Government and at the Public Expence or otherwiſe.

IV. Whenever any Perſon ſhall charge an European Britiſh Subject before a Magiſtrate who has not taken the Oaths of Qualification as a Juſtice of the Peace with a bailable Offence, it ſhall be the Duty of the Magiſtrate to explain to the Complainant the Courſe which he ſhould purſue for the Purpoſe of obtaining Redreſs, that is, by Application to the Juſtices of the Peace at Madras, or to the Grand Jury. It ſhall likewiſe be the Duty of the Magiſtrate, after calling upon the Perſon accuſed for his Reply to the Complaint, to report the Caſe to the Governor in Council, at the ſame Time ſtating, on a Conſideration of the Diſtance at which the Parties may reſide from the Preſidency, of the Poverty of the Complainant, or of other Circumſtances, whether it would, in the Opinion of the Magiſtrate, be proper that the Expence of the Proſecution ſhould be defrayed by Government. The Governor in Council, on Receipt of ſuch Report, will paſs ſuch Orders on the Subject as may appear to him to be adviſable, and will at the ſame Time direct, in Caſes which may appear to require it, that the Proſecution ſhall be conducted by the Law Officers of the Company.

BOMBAY REGULATION II. A. D. 1799.

A Regulation for preventing Foreigners of every Deſcription from landing at the Preſidency of Bombay and its Dependencies without Permiſſion from Government. Paſſed by the Governor in Council on the 19th Day of Auguſt 1799, correſponding with the 4th Shravan Vud Sumbut, Vekramajit Era 1856, and the 16th Rubbee-ul-uvel 1214 Hejry.

The Expedience of prohibiting unlicenſed Foreigners from landing at the Preſidency of Bombay and its Dependencies, aſcertained, and Rules in conſequence enacted.

WHEREAS it is expedient to prevent Foreigners of every Deſcription from landing at this Preſidency and its Dependencies without Permiſſion from the Government, the following Rules are enacted for this Purpoſe, and for the better Regulation of the Police of the Port of Bombay in general.

Foreign Veſſels to be inſpected previouſly to any Perſon being permitted to diſembark.

II. No Perſon whatever to be permitted to diſembark from any Foreign Veſſel until ſuch Veſſel ſhall have been inſpected by the proper Officer, and regular Permiſſion in conſequence obtained.

Rule to be obſerved on the Importation of Foreign Veſſels as to their Paſſengers and Ships Companies.

III. For this Purpoſe official Notice (according to the ſubjoined Form) under the Signature of the Secretary to the Government, is to be diſpatched to all Foreign Veſſels on their Approach to this Harbour, informing their Commanders of the foregoing Reſolution, and requiring them to prepare Liſts of their Paſſengers and Ships Companies for Delivery to the Inſpecting Officer; which Liſts ſhall, if required, be authenticated by the Affidavit of the Commander and Senior Officer of each Veſſel reſpectively.

"FORM.

"Sir,

"Firſt. You are hereby informed of the Reſolution of the Governor in Council, that no Perſon will be permitted to land from your Veſſel until ſhe ſhall have been duly inſpected by an Officer appointed for this Purpoſe; you are therefore to prepare a Muſter Roll of your Ship's Company, and of the Paſſengers on board; which Roll, under the Signature of yourſelf and of your Chief Officer, ſhall be delivered to the Inſpecting Officer, and ſhall, if required, be atteſted on Oath before a Magiſtrate.

"Secondly. The Inſpecting Officer is authorized to examine your Crew and Paſſengers according to the Roll, which is to contain the Name of each Perſon on board, the Time of their Entry, the Time and Place of their embarking, their Country, and the Station or Character of each; to this Roll you are to add the Names of all Places at which your Veſſel may have touched during the Voyage.

"Thirdly. Until you ſhall have complied with this Order, you will not be permitted to have Communication with the Shore, and upon your landing you are to pay ſtrict Obedience to the printed Regulations, which you will find at the Office of the Superintendant of Marine; in Failure of which your Ship will not be admitted to an Entry at any Britiſh Port in India."

Precautions to be adopted in Execution of the aforeſaid Regulation on the Arrival of Foreign Veſſels.

IV. A Veſſel is to remain conſtantly ſtationed in the Mouth of the Harbour to communicate according to theſe Regulations with every Ship under Foreign Colours which may be entering, and to enjoin her to anchor until the Inſpecting Officer ſhall come on board and make the neceſſary Inquiries; and a Guard Boat is to remain along-ſide of each Foreign Ship thus importing, until removed by the proper Authority, and while there, to prevent any Boat whatever from either getting on board of her from the Shore or from proceeding to the Shore from the Ship.

The Inſpecting Officer thereon to proceed on board and to examine and muſter the Crew and Paſſengers.

V. On the ſtrange Ship anchoring as above, the Inſpecting Officer is to proceed on board, and to examine and muſter the Crew and Paſſengers according to the Liſts, which ſhall have been prepared under the Signature of the Commander and that of his Chief Officer.

The Veſſel to be brought up the Harbour by the Pilot, ſhould no ſuſpicious Perſon be diſcovered on board; all Communication with the Shore being however prevented.

VI. If on this Muſter, and ſuch further Examination as the Inſpecting Officer ſhall deem neceſſary, he ſhall not obſerve any ſuſpicious Perſons to be on board, he is to authorize the Pilot to bring the Ship to her Mooring, and return to the Shore with his Report to the Superintendant of Marine, enjoining the Guard Boat alongſide to exert its utmoſt Vigilance in preventing any Perſon from quitting the Ship, or proceeding on board of her.

VII. In

The Guard Boat to be removed ſhould the Superintendant be ſatisfied with the Inſpecting Officer's Report, or otherwiſe to repreſent the Matter to the Governor.

VII. In caſe the Superintendant be ſatisfied with the Report of the Inſpecting Officer, he ſhall authorize the Removal of the Guard Boat, and the neceſſary Communication with the Ship; if not, the Guard Boat is to remain, and a Report to be made by him to the Honourable Governor.

Communication to be made by the Superintendant to the Cuſtom Maſter, on the Removal of the Guard Boat.

VIII. Upon the Guard-boat's being removed from alongſide any Foreign Ship importing in the Manner ſpecified in the preceding Section, written Notice thereof is to be immediately tranſmitted by the Superintendant to the Cuſtom-maſter, with ſuch Orders, and under ſuch Regulations, as relate to his Department.

Conduct to be obſerved on the Occaſion of any Violation of the Regulations in queſtion.

IX. The Guard Boat is to report to the Inſpecting Officer any Violation of theſe Regulations which may be perſiſted in by any Perſon or Perſons, and detain ſuch Boat as he or they may be on board of, until he receives his Orders on the Subject.

Such of the Officers and Crew of any Foreign Veſſel as may intend to reſide on Shore, to be furniſhed, if no Objection occur, with a Certificate of ſuch Permiſſion having been granted.

X. The Captain or Supercargo of every Foreign Ship importing into this Harbour ſhall, immediately on their landing, deliver into the Office of the Superintendant of Police a Liſt of ſuch of the Officers and Crew as it is intended ſhall reſide on Shore during the Ship's Stay, which, if he ſees no Objection, ſhall thereon grant to each a printed Certificate of their being permitted to remain on Shore, taking hereon the Inſtructions of the Governor, as from Time to Time may prove neceſſary.

Forms to be obſerved in reſpect to the Paſs to be granted to ſuch of the Crew as may have Occaſion to be on Shore.

XI. The Captain or Supracargo ſhall further leave at the Police Office a Paper, with the Signature of ſuch Officers of the Ship, (not exceeding Three on board of each), whoſe Authority ſhall, when counterſigned by the Superintendant of Police, be a ſufficient Paſs for ſuch of the Crew as may have Occaſion to be on Shore for a Time only, which Time is to be ſignified in the Paſs.

Perſons found without a Paſs, to be apprehended and kept in Cuſtody by the Superintendant of Police, all Charges being defrayed by the Captain or Supracargo.

XII. All Seamen and others belonging to Foreign Ships, and ſuſpicious Perſons in general, not in poſſeſſion of either a general or temporary Paſs as above, to be apprehended by the Superintendant of Police, and kept in Cuſtody, the Captain or Supracargo of the Ship being charged with all Expences attending their Seizure and Detention.

All Paſſes to be regiſtered in the Police Office.

XIII. A Regiſter to be kept in numerical Order for each Month, in the Police Office, of all Paſſes granted for the Purpoſe of Reference.

Foreign European Seamen not to be ſuffered to paſs the Gates or any Military Guard, without a Paſſport from the Superintendant of Police.

XIV. Orders to be iſſued at the Gates and at the Stations of other Military Guards, to prevent all Foreign European Seamen from paſſing or landing on the Iſland, unprovided with a Paſs counterſigned by the Superintendant of Police.

Superintendant of Police to apprehend ſuſpicious Perſons of the above Deſcription, and report to the Governor.

XV. If at any Time the Superintendant of Police ſhall ſee Cauſe to ſuſpect the Perſons thus landed of improper Intentions, he is to apprehend and detain the ſame, and make Report thereof to the Honourable the Governor.

Commanders of Foreign Ships reſtricted from receiving any Perſon on board as a Part of the Crew, or a Paſſenger without Permiſſion.

XVI. No Commander of a Foreign Ship ſhall entertain on board any Perſon either as a Part of the Crew or as a Paſſenger, without a Permit from the Superintendant of Marine, who is to act in granting the ſame under the Orders and Sanction of the Governor.

Previous to the Embarkation of any Commander of a Foreign Ship about to depart, the Crew to be muſtered by the Liſts furniſhed on her Importation. The intermediate Caſualties to be enquired into and the Marine Superintendant's Permit required for filling them up.

XVII. When any Foreign Ship is about to depart from this Port, the Inſpecting Officer ſhall, previous to the Embarkation of her Commander, repair on board, and muſter and examine the Crew, according to the Liſts furniſhed on her firſt Importation, and examine the Officers and Crew as to ſuch Caſualties as may have been reported during the Continuance of the Veſſel in Port, and require the Permit from the Superintendant of Marine for ſhipping ſuch additional Men or Paſſengers as he may find on board.

Foreign Ships under ſuſpicious Circumſtances to be inſpected, and after the firſt Search has been completed, a Guard Boat to be ſtationed alongſide to prevent Communication with the Shore.

XVIII. In Caſes which ſhall appear to require it, the Inſpecting Officer ſhall ſearch any Foreign Ships under ſuſpicious Circumſtances, and is upon all Occaſions after his firſt Inſpection ſhall have been completed, to ſtation a Guard Boat alongſide of every Foreign Veſſel, to prevent Communication with the Shore until ſhe may ſail out of the Harbour.

After the final Inſpection and muſter is made no Perſon to be permitted to go on board

XIX. After the Inſpecting Officer has made his final Muſter and Examination of any Foreign Ship about to depart, a Guard Boat is to be ſtationed alongſide of her, and no Perſon is to be allowed to go on board of her without a Paſs from the Superintendant of Marine.

XX. As

XX. As ſoon as the Superintendant of Marine ſhall have been ſatisfied by the Report of the Inſpecting Officer, that theſe Regulations have been complied with, he ſhall counterſign the Ship's Port Clearance as the Authority for her Departure, as far as regards his Department.

Superintendant of Marine to counterſign the Ship's Port Clearance, as a Permiſſion for her to depart.

XXI. An immediate Report to be made by the Superintendant of Marine of any Foreign Ship which may ſail from the Harbour without the regular Port Clearance; and the Cruizer in the Mouth of the Harbour, upon an agreed Signal from the Light-houſe, is as far as poſſible to prevent any ſuch Ship leaving the Harbour without a Pilot.

The Superintendant of Marine immediately to report any Foreign Ship which may ſail without a regular Port Clearance, &c.

XXII. The Officer in Command of the Veſſel ſtationed at the Mouth of the Harbour ſhall ſend one of his Guard Boats, with an intelligent Perſon, to inſpect all Dows, Dingies, or other Veſſels of that Deſcription coming into this Harbour, which Perſon ſhall inquire of the Naquedah or Craney what Paſſengers, or if any Europeans whatever be on board, and ſhall carefully examine ſuch Veſſel, and if ſatisfied that no improper or ſuſpicious Paſſenger or other Perſon is concealed therein, ſhall allow ſuch Veſſel to proceed up the Harbour; but otherwiſe, to detain her until a Report can be made to the Superintendant of Marine, who will thereon act as he may deem neceſſary, reporting his Proceedings to the Governor, and acting thereon as the latter ſhall direct.

All Dows, &c. to be inſpected by a Guard Boat, to inquire what Paſſengers or Europeans are on board; and allowed to proceed up the Harbour, if no ſuſpicious Circumſtances ariſe, but otherwiſe to be detained till Report made to Superintendant of Marine.

XXIII. No European Foreigner, or even Britiſh Subject, ſhall on any Account be diſcharged from any Ship under Engliſh Colours without the Permiſſion of the Superintendant of Marine, and when that Permiſſion has been granted, the diſcharged Man is to be ſent to the Office of Police, in order to have his Name regiſtered there, and a proper Paſſport granted to him, as in the Caſe of the Seamen of Foreign Ships.

European Foreigners or Britiſh Subjects how to be diſcharged and regiſtered.

XXIV. All Merchant Ships, whether Engliſh or Foreigners, without Diſtinction, ſhall on their Arrival deliver in correct Liſts of their Ship's Company, and of all other Perſons who ſhall be on board, to the Inſpector of the Port, who is to re-examine ſuch Liſts on the Departure of theſe Ships reſpectively, and to report to the Superintendant of Police how many of the European Part of ſuch Crew do re-embark, and what has become of the Remainder, which Returns are to be regularly ſubmitted by the laſt-mentioned Superintendant to the Governor, who after being ſatisfied thereon, is to direct the Superintendant of Police to write to the Cuſtom Maſter accordingly, till which the Veſſel's Port Clearance is not to be granted; the Object of this Regulation being to prevent Foreign or Britiſh Subjects improperly remaining on Shore behind the Ship that brought them, which, beſides other Inconveniences, has frequently entailed undue Expence on Government.

All Merchant Ships to deliver to the Inſpector of the Port, correct Liſts of their Ships Companies on their Arrival.
Theſe Liſts to be re-examined on the Departure of ſuch Ships.
How any Difference that may appear is to be accounted for, and Meaſures to be adopted in conſequence.

XXV. Europeans not in the Service of His Majeſty or of the Honourable Company, landing from the Mahratta Country at any of the Bunders under the Cuſtom Maſters of Bombay, Mahim, Salſette, or Caranga, are to be detained at the Cuſtom Houſe until a Report can be made to the Governor of the Name, Nation, Profeſſion, and Reaſon of the Party for viſiting this Iſland, unleſs ſuch European ſhall be furniſhed with a Paſs from the Honourable the Governor, the Reſident at Poona or Hyderabad, or ſome Perſon authorized to give ſuch Paſs, in which caſe he is to be ſent to the Police, where his Name is to be regiſtered.

Europeans not in the Service of His Majeſty or the Honourable Company, landing from the Mahratta Country, to be detained until a Report ſhall be made to the Governor:
Unleſs ſuch Perſon ſhall be furniſhed with a Paſs from the Honourable the Governor, or other competent Authority.

XXVI. Nor is any European of the foregoing Deſcription to be allowed to go off at any of the ſaid Bunders without a Paſs regularly granted by the Local Authorities, who now are or may be hereafter authorized by Government to iſſue them.

Such European paſſing as above, to be prevented unleſs furniſhed with a Paſs for that Purpoſe.

BOMBAY REGULATION III. A. D. 1799.

Section VIII. The Judges Court is to have Juriſdiction over all Britiſh Subjects (excepting King's Officers ſerving under the Preſidency of Bombay, and the Covenanted Civil Servants of the Company, and their Military Officers), ſo far as not to allow them to reſide or take up their Abode within his local Juriſdiction, unleſs they execute a Bond to render themſelves amenable to the Court in all Suits of a Civil Nature that may be inſtituted againſt them by Natives, or other Perſons deſcribed in Section VI. in which the Amount claimed may not exceed 500 Bombay Rupees; nor ſhall any Britiſh Subject or other European be permitted to hold or

poſſeſs Lands within the Iſlands under the local Juriſdiction of this Court, or obtain Grants for the ſame from Government, unleſs coupled with the expreſs Condition that ſuch Grantees, their Heirs, Executors, and Aſſigns, ſhall in whatever Queſtions of a Civil Nature derive or ariſe out of ſuch Grant ſubmit themſelves, and be bound by the Juriſdiction and Judicial Courts therein ſubſiſting, or which may be hereafter eſtabliſhed therein by the Government of the Eaſt India Company, in the ſame Manner and to the ſame Degree as the native Inhabitants of the ſame Iſlands, without ſeeking or having a Right to reſort in any ſuch Inſtances to the Court of the Recorder at Bombay, or to any other Court that may hereafter be eſtabliſhed in lieu thereof, unleſs and after this Reſtriction ſhall be eventually removed by an Act of the Britiſh Legiſlature, or Order or Inſtruction from the Eaſt India Company.

BOMBAY REGULATION V. A. D. 1799.

Section XVIII. In the Event of any Act committed by a European Britiſh Subject which may render him an Object of a Criminal Proſecution in the Bombay Court of Judicature, to which Court alone European Britiſh Subjects are amenable in ſuch Caſes, the Magiſtrate upon Information of the Act being lodged before him upon Oath, is to apprehend ſuch Britiſh Subject, and to make Inquiry into the Circumſtances of the Charge without Delay. After ſuch Inquiry, if he ſhall be ſatisfied in his own Mind, that there are ſufficient Grounds for committing ſuch Britiſh ſubject for Trial, he is immediately to convey him under ſafe Cuſtody to the Superintendant of Police at Bombay, and to report the Circumſtances of the Caſe for the Information of the Governor in Council. He is likewiſe to bind over the Complainant to repair to Bombay before the Seſſion next enſuing, to proſecute and to take Security from the Witneſſes for their Appearance at the Trial. In caſe of the Inability of the Proſecutor or the Witneſſes to defray the Charge of the Journey, the Magiſtrate is to ſtate to the Governor in Council what pecuniary Aſſiſtance he would recommend being granted to them. All Europeans not Britiſh Subjects, are amenable equally with the Natives, to the Authority of the Magiſtrate and to the Judges of the Court of Seſſion for Trial in ordinary Courſe.

BOMBAY REGULATION I. A. D. 1800.

Section VI. All Natives, and other Perſons not Britiſh Subjects, are amenable to the Juriſdiction of the Judge's Court, excepting as provided for in Section 16. of this Regulation, reſpecting the Nawaub and his Family; and in the 15th Section of the Act made in the 37th Year of His preſent Majeſty, Chapter 42d, whereby all Natives who are employed in the Service of the Company, either in any Judicial Office, or as Principal Native Officer of any Diſtrict in the Collection of the Revenues, or in any of the Company's Commercial Concerns, are amenable to the Courts of Bombay in caſe of Complaints being therein preferred againſt them, which does not however prevent their ſuing or being ſued in the Court at Surat, in like Manner, and with other Natives; and ſaving alſo the Firmaun Privileges of Foreign European Nations, according to the approved Admiſſion thereof in Practice during the Time of the Government of the Nawaubs, reſpecting which, ſhould the Judge entertain any Doubts, he is, as Occaſion may require, to report the Circumſtances of the Caſe to the Governor in Council, and wait his Orders.

Section VII. The Judge's Court is empowered to take Cognizance of all ſuch Suits and Complaints reſpecting the Succeſſion or Right to Real or Perſonal Property, Land, Rents, Revenues, Debts, Accounts, Contracts, Partnerſhips, Marriages, Caſt, Claims to Damages for Injuries, and generally of all Suits and Complaints of a Civil Nature in which the Defendant may come within the Deſcription of Perſons mentioned in Section 6, provided the Landed or other Real Property to which the Suit or Complaint may relate ſhall be ſituated, or in all other Caſes the Cauſe of Action ſhall have ariſen, or the Defendant at the Time when the Suit may be commenced ſhall reſide as a fixed Inhabitant within the Limits of Surat, Randier, &c. in and over which the Juriſdiction which the Judge doth extend, as well as in reſpect to all Suits reſpecting the Rents and Revenues due to the

the East India Company from the ſaid City, Port, and Town, and their Dependencies.

Section VIII. The Judge's Court is to have Juriſdiction over all Britiſh Subjects (excepting King's Officers ſerving under the Preſidency of Bombay, and the covenanted Civil Servants of the Company, and their Military Officers), ſo far as not to allow them to reſide or take up their Abode within his local Juriſdiction, unleſs they execute a Bond to render themſelves amenable to the Court in all Suits of a Civil Nature that may be inſtituted againſt them by Natives, or other Perſons deſcribed in Section 6, in which the Amount claimed may not exceed 500 Bombay Rupees; nor ſhall any Britiſh Subject or other European be permitted to hold or poſſeſs Lands within the Diſtricts under the local Juriſdiction of this Court, or obtain Grants for the ſame from Government, unleſs coupled with the expreſs Condition that ſuch Grantees, their Heirs, Executors, and Aſſigns ſhall, in whatever Queſtions of a Civil Nature derive or ariſe out of ſuch Grant, ſubmit themſelves and be bound by the Juriſdiction and Judicial Courts therein ſubſiſting, or which may be hereafter eſtabliſhed therein by the Government of the East India Company, in the ſame Manner and to the ſame Degree as the Native Inhabitants of the ſame Places, without ſeeking or having a Right to reſort in any ſuch Inſtances to the Court of the Recorder at Bombay, or to any other Court that may hereafter be eſtabliſhed in lieu thereof, unleſs and after this Reſtriction ſhall be eventually removed by any Act of the Britiſh Legiſlature, or Order or Inſtruction from the East India Company.

Section X. If a Native, or any other Perſon not being a Britiſh Subject, ſhall conſider himſelf aggrieved under any Regulation printed and publiſhed in the Manner directed in Regulation I. 1799, by an Act done by any of the Officers of Government, deſcribed in Section IX. purſuant to a ſpecial Order, originating with the Governor in Council, the Officer by whom the Act may be done is not to be liable to be ſued for it. In ſuch Caſes Government is to be conſidered as the Defendant; and the Perſon deeming himſelf or herſelf aggrieved, is to preſent a Petition to the Judge, ſtating wherein he or ſhe conſider themſelves injured under the Regulations, and praying that the Governor in Council will order the Court to try the Points or Matters conteſted, agreeably to the Regulations. The Judge is to forward this Petition immediately to the Governor in Council, who, provided he ſhall not think it proper to afford the Redreſs that may be ſolicited by the Petitioner and the Court, ſhall be competent to try the Cauſe, will direct the Judge to proceed to the Trial of it. If the Governor in Council ſhall order the Cauſe to be tried, the Court is immediately to ſend a written Notification of the Order to the Complainant; and the Cauſe is to be conſidered as filed in the Court from the Date of the Notification. The Court is then to proceed to try the Suit, under ſame Rules and Regulations as are preſcribed for the Trial of Suits between Individuals. The Officer by whom the Act complained of may have been done, is to carry on the Suit under the Direction of the Governor in Council, and is to iſſue the neceſſary Inſtructions to the Vakeel of Government in the Court in which the Suit may be inſtituted, or ſubſequently carried in Appeal; or if the Officer complained againſt be no longer in the Country, or conveniently ſtationed for the proper Defence of the Suit, the Vakeel of Government is then to act in his ſtead. In the Event of Government being caſt in the Judge's Court, the Officer entruſted with the Management of the Suit, or the Vakeel of Government, is to ſend a Copy of the Decree and Proceedings of the Court to the Governor in Council, with a Letter, ſtating any Objection that he may have to offer to the Deciſion. The Governor in Council will order an Appeal from the Deciſion that may be tranſmitted to him under this Section to be preferred or not, as may appear to him adviſeable. The Coſt and Damages that may be awarded againſt Government in Suits inſtituted under this Section, are to be defrayed from the Public Treaſury. All ſpecial Rules reſpecting Caſes of the Nature of thoſe deſcribed in this Section, are to be duly attended to by the Plaintiff and the Parties concerned in them.

BOMBAY REGULATION III. A. D. 1800.

Sect. XVIII. In the Event of any Act committed by a European Britiſh Subject, which may render him an Object of a Criminal Proſecution in the Bombay Court of Judicature, to which Court alone European Britiſh Subjects are amenable in ſuch Caſes, the Magiſtrate, upon Information of the Act being lodged before him upon Oath, is to apprehend ſuch Britiſh Subject, and to make Inquiry into the Circumſtances of the Charge without Delay. After ſuch Inquiry, if he ſhall be ſatisfied in his own Mind that there are ſufficient Grounds for committing ſuch Britiſh Subject for Trial, he is immediately to convey him under ſafe Cuſtody to the Superintendant of Police at Bombay, and to report the Circumſtances of the Caſe for the Information of the Governor in Council; he is likewiſe to bind over the Complainant to repair to Bombay before the Seſſions next enſuing, to proſecute, and to take Security from the Witneſſes for their Appearance at the Trial. In caſe of the Inability of the Proſecutor or the Witneſſes to defray the Charge of the Journey, the Magiſtrate is to ſtate to the Governor in Council what pecuniary Aſſiſtance he would recommend being granted them.

BOMBAY REGULATION XI. A. D. 1802.

A Regulation for preſcribing the Form of Bonds to be executed by Britiſh Subjects or others, not amenable to the Civil Courts, on their inſtituting Suits in ſuch Courts, and for preſcribing a Form of Bond to be executed by the Sureties of Defendants in the above Courts. Paſſed, as far as regards the Juriſdiction of the Civil Court at Surat, by the Honourable the Governor of Bombay, whilſt at that Settlement, on the 10th of July 1802, in the full Poſſeſſion and excluſive Exerciſe of the entire Powers of the Bombay Government; and thereafter confirmed by the Governor in Council on the 20th of Auguſt 1802, correſponding with the 8th Shravan Vud Sumbut or Vekramajeet Era 1859, Salbahan 1724, and 20th of Rubee ul akhur 1217 Hejry; and extended to the Court of Salſette and its Juriſdiction on the 13th September 1802, correſponding with the 2d of Bhadr Vud Sumbut or Vekramajeet Era 1859, Salbahan 1724, and the 15th of Jumadee ul avul 1217, Hejry.

It being expedient that Britiſh Subjects and others not amenable to the Civil Courts who may inſtitute Suits in them, ſhould bind themſelves to abide by their Proceſs and Deciſions, and no Form having been yet preſcribed for the Security Bonds for the Appearance of Defendants, required by Section V. Regulation IV. 1799, and Section V. of Regulation II. 1800, the following Rules have been paſſed.

Form of Bond to be executed by Britiſh Subjects and others not amenable to the Juriſdiction of the Civil Courts.

II. The following Inſtrument is to be hereafter executed by the Plaintiffs therein referred to, viz Britiſh Subjects or other Perſons not amenable to the Juriſdiction of the Civil Courts:

" KNOW all Men by theſe Preſents, That I of but now reſiding at in the Diviſion of (or in the City of) am held and firmly bound unto Judge of the Civil Court of (or City) in the Sum of to be paid to the ſaid his Executors, Adminiſtrators or Aſſigns, for which Payment, well and truly to be made, I do hereby bind myſelf, my Heirs, Executors and Adminiſtrators, firmly by theſe Preſents, ſealed with my Seal, and dated this Day of in the Year of Chriſt

" Whereas the above-bounden hath on the Date hereof commenced an Action, Cauſe, or Suit in the ſaid Court before the ſaid againſt

" Now the Condition of this Obligation is ſuch, that if the ſaid his Heirs, Executors, and Adminiſtrators, and every of them, do and ſhall on his and their Parts and Behalfs, in all Things well and truly ſtand to, obey, abide, obſerve, perform, and fulfil all ſuch Judgment and Judgments, Order

Order and Orders, Decree and Decrees, as ſhall or may be at any Time given in the ſaid Action, Cauſe, or Suit, in the ſaid Court of or by the Court of Sudder Adawlut, then this Obligation is to be void; or elſe to remain in full Force and Virtue.

"Sealed and delivered (where no Stamps are in uſe or to be had) in the Preſence of "

III. Firſt, The following Form of Security Bond, or an Inſtrument to the following Effect is to be hereafter executed by the Sureties for the Appearance of Defendants in the Civil Courts required by Section 5 of Regulation 4, 1799, and Section 5, Regulation 2, 1800.

Form of Security Bond to be executed by the Sureties for Defendants, required by Section 5 of Regulation 4, 1799, and the last Section of Regulation 2, 1800.

"WHEREAS a Suit has been inſtituted in the Civil Court of the Diviſion or (City) of by Plaintiff, againſt Defendant; and whereas I Inhabitant of have voluntarily become Security for the Appearance of the ſaid Defendant to anſwer to the above Suit, and perform all ſuch Orders as may be paſſed thereupon until the final Decree on it ſhall be carried into Execution, I do therefore hereby engage and bind myſelf, my Heirs, and Succeſſors, that the ſaid Defendant ſhall appear in Perſon or by Vakeel, to make Anſwer to the Plaint againſt him in the Suit aforeſaid, on the being the Day on which his Appearance has been required in the ſaid Court; and further, that the ſaid Defendant ſhall perſonally attend at the ſaid Court whenever the ſame may be required by the Judge thereof, at any Time whilſt the above Suit is depending before the Court or Courts of Sudder Adawlut, or before the final Decree which may be paſſed thereupon by the above Courts reſpectively ſhall be fully and completely carried into Execution; in Default of which, and in the Event of my not producing the ſaid Defendant when called upon, I will be anſwerable for ſuch Sum as may be adjudged againſt him, and for the Performance of whatever Order or Decree may be paſſed againſt him on the Suit above mentioned."

BOMBAY REGULATION XIII. A. D. 1802.

Section XIII. No Collector ſhall give Land in Farm to an European, directly or indirectly, or accept the Security of an European for any Zemindar, Farmer, or Ryot, without the expreſs Sanction of the Governor in Council.

BOMBAY REGULATION II. A. D. 1805.

Section II. Secondly, The Judge and Magiſtrate and Collector took and ſubſcribed, previouſly to entering on their Offices, the Oaths preſcribed in Section 3, Regulation 1, and in Section 2, Regulation 3, 1800, for the Judge and Magiſtrate, and by Section 26, Regulation 13, 1802, for the Collector; the ſaid Officers being required to be ſeverally guided by thoſe and the other Regulations for their reſpective Departments, as far as the ſame are already framed, printed, and publiſhed, for the Zillah or Local Juriſdiction, and for the Collectorſhip of Surat, until others may be paſſed for their reſpective Direction, in the Manner preſcribed by Regulation 1, 1799.

Section V. On the 14th of May a Judge and Magiſtrate and a Collector were under the like Inſtructions, and the Sanction of the ſame Oaths of Office, as ſpecified in Section 2, in reſpect to the Zillah and Collectorſhip of Broach appointed for the Zillah and Collectorſhip of Kaira, the Juriſdiction of which is to be applicable to the Ceded Diſtricts to the North of the Myhee and Weſtward of the Gulf of Cambay.

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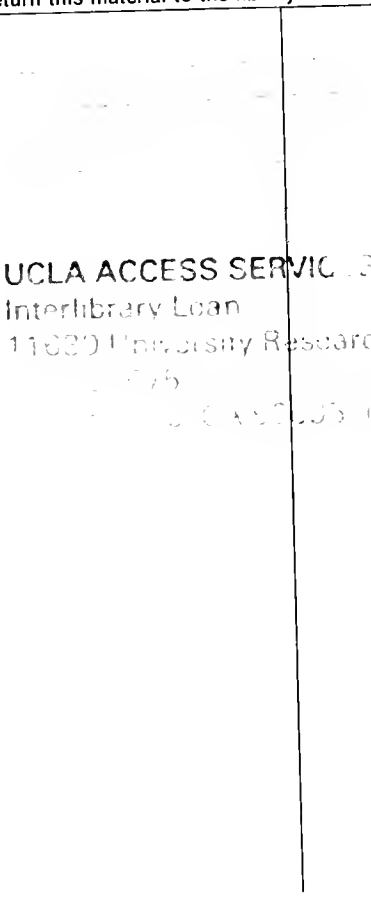

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